

THE INVESTIGATORY POWERS BILL: ANALYSIS ON THE APPLICATION OF STANDING ORDER NO.83L OF THE STANDING ORDERS OF THE HOUSE OF COMMONS RELATING TO PUBLIC BUSINESS IN RESPECT OF GOVERNMENT AMENDMENTS TABLED FOR REPORT STAGE

1. Annex A to the explanatory notes published alongside the Bill set out the Department's assessment of the Bill on its introduction to the House of Commons. The following is the Department's assessment of the Bill as amended in Public Bill Committee and the government amendments tabled to the Bill for consideration at Report Stage.

The Bill as amended in Public Bill Committee.

2. The amendments made to the Bill in Public Bill Committee did not change the Department's assessment of the Bill. The amendments did not introduce any new clauses.
3. The Bill extends to the whole of the United Kingdom. This is subject to the exception that amendments, repeals and revocations have the same extent as the enactment to which they relate. There are no clauses or Schedules in the Bill that apply only to England or only to England and Wales, as set out in the table below.
4. It is therefore not necessary to consider, for the purposes of Standing Order No. 83J of the Standing Orders of the House of Commons relating to Public Business, whether any provisions have minor or consequential effects outside England and Wales, or whether any provisions would be within the competence of any of the devolved legislatures.¹
5. The above assessment is presented in tabular form below. Differences between this table and that in the explanatory notes published alongside the Bill on its introduction are a result of the analysis of the provisions which require legislative consent having been refined in discussion with the devolved administrations.

¹ References in this Annex to a provision being within the legislative competence of the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly are to the provision being within the legislative competence of the relevant devolved legislature for the purposes of Standing Order No. 83J of the Standing Orders of the House of Commons relating to Public Business.

Table 1: The Bill as Amended in Public Bill Committee

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?	Would corresponding provision be within the competence of the National Assembly for Wales?	Would corresponding provision be within the competence of the Scottish Parliament?	Would corresponding provision be within the competence of the Northern Ireland Assembly?	Legislative Consent Motion needed?
Part 1: General privacy Protections								
Clauses 1 to 11	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Schedule 1	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Schedule 2	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 12	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)
Part 2: Lawful interception of communications								
Clauses 13 to 18	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Schedule 3	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clauses 19 to 20	No	No	Yes	No	N/A	N/A	N/A	Yes (S)
Clauses 21 to 23	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)
Clause 24	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clauses 25 to 26	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)
Clauses 27 and 28	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clauses 29 to 32	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)
Clauses 33 to 41	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clauses 42 and 43	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)
Clauses 44 and 45	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clauses 46 and 47	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)
Clauses 48 to 52	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Part 3: Authorisations for obtaining communications data								
Clause 53 to 77	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?	Would corresponding provision be within the competence of the National Assembly for Wales?	Would corresponding provision be within the competence of the Scottish Parliament?	Would corresponding provision be within the competence of the Northern Ireland Assembly?	Legislative Consent Motion needed?
Schedule 4	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Schedule 5	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Part 4: Retention of communications data								
Clauses 78 to 87	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Part 5: Equipment Interference								
Clauses 88 to 91	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 92	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)
Clauses 93 and 94	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clauses 95 to 100	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)
Schedule 6	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes, in part (S)
Clauses 101 and 102	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clauses 103 to 108	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)
Clauses 109 to 111	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clauses 112 to 113	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)
Clauses 114 to 116	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 117	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)
Clause 118	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Part 6: Bulk Warrants								
Clauses 119 to 173	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Part 7: Bulk personal data warrants								
Clauses 174 to 193	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Part 8: Oversight arrangements								
Clause 194	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S and NI)

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?	Would corresponding provision be within the competence of the National Assembly for Wales?	Would corresponding provision be within the competence of the Scottish Parliament?	Would corresponding provision be within the competence of the Northern Ireland Assembly?	Legislative Consent Motion needed?
Clause 195	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clause 196	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)
Clause 197	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clauses 198 and 199	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)
Clause 200	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S and NI)
Clauses 201 to 203	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)
Clause 204	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clauses 205 and 206	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S and NI)
Clause 207	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Schedule 7	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Clauses 208 and 209	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)
Clauses 210 and 211	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Part 9: Miscellaneous and general provisions								
Clause 212	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)
Schedule 8	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes, in part (S)
Clauses 213 to 233	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Schedule 9	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Schedule 10	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No

Commons Report Stage Amendments

6. The following is the Department's assessment of the amendments to the Bill tabled by the government for consideration at Commons Report Stage.

7. None of the amendments to existing clauses of or Schedules to the Bill alter the territorial application of the clause or Schedule in question. Nor do any of the amendments to existing clauses or Schedules change the analysis set out in Table 1 above.
8. The government has tabled new clauses for consideration at Commons Report Stage. The new clauses extend to the whole of the United Kingdom. None of the new clauses apply only to England or only to England and Wales.
9. It is therefore not necessary to consider, for the purposes of Standing Order No. 83L of the Standing Orders of the House of Commons relating to Public Business, whether any provisions have minor or consequential effects outside England and Wales, or whether any provisions would be within the competence of any of the devolved legislatures.²
10. The above analysis is set out in tabular form below.

Table 2: Government New Clauses Tabled for Report Stage

Provision	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?	Would corresponding provision be within the competence of the National Assembly for Wales?	Would corresponding provision be within the competence of the Scottish Parliament?	Would corresponding provision be within the competence of the Northern Ireland Assembly?	Legislative Consent Motion needed?
Part 1: General privacy Protections								
NC5 (General duties in relation to privacy)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)
NC6 (Civil liability for certain unlawful interceptions)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Part 2: Lawful interception of communications								
NC7 (Persons who may	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)

² References in this Annex to a provision being within the legislative competence of the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly are to the provision being within the legislative competence of the relevant devolved legislature for the purposes of Standing Order No. 83J of the Standing Orders of the House of Commons relating to Public Business.

make modifications)								
NC8 (Further provision about modifications)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)
NC9 (Notification of major modifications)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)
Part 5: Equipment Interference								
NC11 (Persons who may make modifications under section 104)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)
NC12 (Further provision about modifications under section 104)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)
NC13 (Notification of modifications)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	Yes (S)
Part 7: Bulk personal data warrants								
NC14 (Health records)	Yes	Yes	Yes	Yes	N/A	N/A	N/A	No
Part 9: Miscellaneous and general provisions								
NC10 (Approval of notices by Judicial Commissioners)	Yes	Yes	Yes	No	N/A	N/A	N/A	No