Draft Order laid before Parliament under section 38(7) of the Identity Cards Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2007 No.

PASSPORTS

The Verification of Information in Passport Applications Etc.(Specified Persons) Order 2007

Made - - - -	***
Coming into force - -	***

The Secretary of State makes the following Order in exercise of the powers conferred by section 38(3) and (5) of the Identity Cards Act 2006(**a**).

In accordance with section 38(7) of the Identity Cards Act 2006, a draft of this Order has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Verification of Information in Passport Applications Etc.(Specified Persons) Order 2007 and shall come into force on the day after the day on which it is made.

(2) In this Order —

"the 2006 Act" means the Identity Cards Act 2006.

Specified Persons

2.—(1) The following persons are specified for the purposes of section 38 of the 2006 Act (verifying information provided with passport applications etc.) —

(a) the Registrar General for England and Wales; and

(b) a credit reference agency with which the Secretary of State acting through the Identity and Passport Service has at the relevant time a contract for the supply of services relating to the provision of information concerning the identity of individuals.

(2) In this article —

"credit reference agency" means a person carrying on a business comprising the furnishing of information relevant to the financial standing of individuals, being information collected by the agency for that purpose; and

"the relevant time" means the time when the particular requirement is imposed.

(**a**) 2006 c.15.

Enforcement of duty

3. The duty which is imposed by section 38(2) of the 2006 Act on a person specified in this Order on whom a requirement to provide information is imposed, is owed to the person imposing the requirement.

4. The duty referred to in article 3 is enforceable in civil proceedings —

    (a) for an injunction;

    (b) for specific performance of a statutory duty under section 45 of the Court of Session Act 1988(**a**); or

    (c) for any other appropriate remedy or relief.

Home Office   *Name*
Date   Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order specifies certain persons for the purposes of section 38 of the Identity Cards Act 2006. Those persons are (a) the Registrar General for England and Wales, and (b) a credit reference agency with which the Secretary of State (acting through the Identity and Passport Service) has at the relevant time a contract for the supply of services relating to the provision of information concerning the identity of individuals. The relevant time is defined as meaning the time a requirement is imposed by the Secretary of State under the section.

Section 38 enables the Secretary of State to require a person who comes within subsection (3) to provide him with information which appears to him to be capable of being used either for verifying information provided to him for the purposes of, or in connection with, an application for the issue of a passport, or for determining whether to withdraw a person's passport. The Secretary of State may only make such a requirement where it appears to him that the person in question may have such information in his possession. Persons listed in subsection (3) include any person who is specified for the purposes of the section in an order made by the Secretary of State. The effect of the specification therefore is that a person specified may be made subject to a requirement under section 38 to provide information.

Section 38(2) places a duty on a person who is required to provide information, and who has the information in his possession, to comply with the requirement. Article 3 of the Order provides that, in the case of a specified person, this duty is owed to the person imposing it. Article 4 provides for the means of enforcement of the duty.

(**a**) 1988 c.36.