Identity Cards Act 2006

2006 CHAPTER 15

An Act to make provision for a national scheme of registration of individuals and for the issue of cards capable of being used for identifying registered individuals; to make it an offence for a person to be in possession or control of an identity document to which he is not entitled, or of apparatus, articles or materials for making false identity documents; to amend the Consular Fees Act 1980; to make provision facilitating the verification of information provided with an application for a passport; and for connected purposes. [30th March 2006]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Registration

1 The National Identity Register

(1) It shall be the duty of the Secretary of State to establish and maintain a register of individuals (to be known as "the National Identity Register").

(2) The purposes for which the Register is to be established and maintained are confined to the statutory purposes.

(3) The statutory purposes are to facilitate, by the maintenance of a secure and reliable record of registrable facts about individuals in the United Kingdom—

(a) the provision of a convenient method for such individuals to prove registrable facts about themselves to others who reasonably require proof; and

(b) the provision of a secure and reliable method for registrable facts about such individuals to be ascertained or verified wherever that is necessary in the public interest.

(4) For the purposes of this Act something is necessary in the public interest if, and only if, it is—

Status: *Point in time view as at 07/06/2006. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Identity Cards Act 2006 (repealed). (See end of Document for details)*

(a) in the interests of national security;
(b) for the purposes of the prevention or detection of crime;
(c) for the purposes of the enforcement of immigration controls;
(d) for the purposes of the enforcement of prohibitions on unauthorised working or employment; or
(e) for the purpose of securing the efficient and effective provision of public services.

(5) In this Act "registrable fact", in relation to an individual, means—
(a) his identity;
(b) the address of his principal place of residence in the United Kingdom;
(c) the address of every other place in the United Kingdom or elsewhere where he has a place of residence;
(d) where in the United Kingdom and elsewhere he has previously been resident;
(e) the times at which he was resident at different places in the United Kingdom or elsewhere;
(f) his current residential status;
(g) residential statuses previously held by him;
(h) information about numbers allocated to him for identification purposes and about the documents to which they relate;
(i) information about occasions on which information recorded about him in the Register has been provided to any person; and
(j) information recorded in the Register at his request.

(6) But the registrable facts falling within subsection (5)(h) do not include any sensitive personal data (within the meaning of the Data Protection Act 1998 (c. 29)) or anything the disclosure of which would tend to reveal such data.

(7) In this section references to an individual's identity are references to—
(a) his full name;
(b) other names by which he is or has previously been known;
(c) his gender;
(d) his date and place of birth and, if he has died, the date of his death; and
(e) external characteristics of his that are capable of being used for identifying him.

(8) In this section "residential status", in relation to an individual, means—
(a) his nationality;
(b) his entitlement to remain in the United Kingdom; and
(c) where that entitlement derives from a grant of leave to enter or remain in the United Kingdom, the terms and conditions of that leave.

Commencement Information

I1 S. 1 wholly in force at 20.10.2009; s. 1 not in force at Royal Assent see s. 44(3), s. 1(5)-(8) in force for certain purposes at 7.6.2006 by S.I. 2006/1439, **art. 2(f)**; s. 1 in force so far as not already in force at 20.10.2009 by S.I. 2009/2565, **art. 2(7)(a)**

VALID FROM 20/10/2009

2 Individuals entered in Register

(1) An entry must be made in the Register for every individual who—
- (a) is entitled to be entered in it; and
- (b) applies to be entered in it.

(2) The individuals entitled to be entered in the Register are—
- (a) every individual who has attained the age of 16 and, without being excluded under subsection (3) from an entitlement to be registered, is residing at a place in the United Kingdom; and
- (b) every individual of a prescribed description who has resided in the United Kingdom or who is proposing to enter the United Kingdom.

(3) Regulations made by the Secretary of State may provide that an individual residing in the United Kingdom is excluded from an entitlement to be registered if—
- (a) he is residing in the United Kingdom in exercise of an entitlement to remain there that will end less than the prescribed period after it was acquired;
- (b) he is an individual of a prescribed description who has not yet been resident in the United Kingdom for the prescribed period; or
- (c) he is residing in the United Kingdom despite having no entitlement to remain there.

(4) An entry for an individual may be made in the Register (whether or not he has applied to be, or is entitled to be, entered in it) if—
- (a) information capable of being recorded in an entry for him is otherwise available to be recorded; and
- (b) the Secretary of State considers that the addition of the entry to the Register would be consistent with the statutory purposes.

(5) An entry in the Register consisting of all the information recorded about an individual must be given a unique number, to be known as his National Identity Registration Number; and that number must comply with the prescribed requirements.

(6) The Secretary of State may by order modify the age for the time being specified in subsection (2)(a).

(7) The Secretary of State must not make an order containing (with or without other provision) any provision that he is authorised to make by subsection (6) unless a draft of the order has been laid before Parliament and approved by a resolution of each House.

Commencement Information

I2 S. 2 partly in force; s. 2 not in force at Royal Assent see s. 44(3), s. 2(1)(2) in force for certain purposes at 20.10.2009 by S.I. 2009/2565, **art. 2(1)**; s. 2(3)-(7) in force at 20.10.2009 by S.I. 2009/2565, **art. 2(7)(b)**; s. 2(1)(2) in force for certain further purposes at 10.11.2009 by S.I. 2009/2565, **art. 2(2)**; s. 2(1)(2) in force for certain further purposes at 24.11.2009 by S.I. 2009/2565, **art. 2(3)**; s. 2(1)(2) in force for certain further purposes at 30.11.2009 by S.I. 2009/3032, **art. 2(1)**; s. 2(1)(2) in force for certain further purposes at 4.1.2010 by S.I. 2009/3322, **art. 2(1)**

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Changes to legislation: *There are currently no known outstanding effects for the Identity Cards Act 2006 (repealed). (See end of Document for details)*

VALID FROM 20/10/2009

3 Information recorded in Register

(1) Information—
- (a) may be entered in the Register, and
- (b) once entered, may continue to be recorded there,

only if and for so long as it is consistent with the statutory purposes for it to be recorded in the Register.

(2) Information may not be recorded in the Register unless it is—
- (a) information the inclusion of which in an individual's entry is authorised by Schedule 1;
- (b) information of a technical nature for use in connection with the administration of the Register;
- (c) information of a technical nature for use in connection with the administration of arrangements made for purposes connected with the issue or cancellation of ID cards; or
- (d) information that must be recorded in the Register in accordance with subsection (3).

(3) Information about an individual must be recorded in his entry in the Register (whether or not it is authorised by Schedule 1) if—
- (a) he has made an application to the Secretary of State requesting the recording of the information as part of his entry;
- (b) the information is of a description identified in regulations made by the Secretary of State as a description of information that may be made the subject of such a request; and
- (c) the Secretary of State considers that it is both practicable and appropriate for it to be recorded in accordance with the applicant's request.

(4) An individual's entry in the Register must include any information falling within paragraph 9 of Schedule 1 that relates to an occasion on which information contained in his entry has been provided to a person without the individual's consent.

(5) Where—
- (a) the Secretary of State and an individual have agreed on what is to be recorded about a matter in that individual's entry in the Register, and
- (b) the Secretary of State has given, and not withdrawn, a direction that what is to be recorded in that individual's case about that matter is to be determined by the agreement,

there is to be a conclusive presumption for the purposes of this Act that the information to which the direction relates is accurate and complete information about that matter.

(6) The Secretary of State may by order modify the information for the time being set out in Schedule 1.

(7) The Secretary of State must not make an order containing (with or without other provision) any provision for adding information to the information that may be

recorded in the Register unless a draft of the order has been laid before Parliament and approved by a resolution of each House.

(8) A statutory instrument containing an order which—

(a) contains provisions that the Secretary of State is authorised to make by this section, and

(b) is not an order a draft of which is required to have been laid before Parliament and approved by a resolution of each House,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

VALID FROM 20/10/2009

4 Designation of documents for purposes of registration etc.

(1) The Secretary of State may by order designate a description of documents for the purposes of this Act.

(2) The only documents that may be the subject of an order designating a description of documents for the purposes of this Act are documents which any of the persons mentioned in subsection (3) is authorised or required to issue, whether by or under an enactment or otherwise.

(3) Those persons are—

(a) a Minister of the Crown;

(b) a government department;

(c) a Northern Ireland department;

(d) the National Assembly for Wales;

(e) any other person who carries out functions conferred by or under any enactment that fall to be carried out on behalf of the Crown.

(4) The Secretary of State must not make an order containing (with or without other provision) any provision that he is authorised to make by this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House.

VALID FROM 20/10/2009

5 Applications relating to entries in Register

(1) An application by an individual to be entered in the Register may be made either—

(a) by being included in the prescribed manner in an application for a designated document; or

(b) by being submitted in the prescribed manner directly to the Secretary of State.

(2) Where an application to be issued with a designated document is made by an individual, the application must do one of the following—

(a) include an application by that individual to be entered in the Register;

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(b) state that the individual is already entered in the Register and confirm the contents of his entry;

(c) state that the individual is entered in the Register and confirm the contents of his entry subject to the changes notified in the application.

(3) Where an individual makes—

(a) an application to be entered in the Register, or

(b) an application which for the purposes of this Act confirms (with or without changes) the contents of his entry in the Register,

the application must be accompanied by the prescribed information.

(4) Where an individual has made an application falling within subsection (3)(a) or (b), the Secretary of State may require him to do such one or more of the things specified in subsection (5) as the Secretary of State thinks fit for the purpose of—

(a) verifying information that may be entered in the Register about that individual in consequence of that application; or

(b) otherwise ensuring that there is a complete, up-to-date and accurate entry about that individual in the Register.

(5) The things that an individual may be required to do under subsection (4) are—

(a) to attend at an agreed place and time or (in the absence of agreement) at a specified place and time;

(b) to allow his fingerprints, and other biometric information about himself, to be taken and recorded;

(c) to allow himself to be photographed;

(d) otherwise to provide such information as may be required by the Secretary of State.

(6) Regulations under this section must not require an individual to provide information to another person unless it is information required by the Secretary of State for the statutory purposes.

(7) The power of the Secretary of State to make regulations containing (with or without other provision) any provision that he is authorised to make by this section is exercisable, on the first occasion on which regulations are made under this section, only if a draft of the regulations has been laid before Parliament and approved by a resolution of each House.

Commencement Information

I3 S. 5 partly in force; s. 5 not in force at Royal Assent see s. 44(3), s. 5(1)(b) in force for certain purposes at 20.10.2009 by S.I. 2009/2565, **art. 2(1)**; s. 5(2)-(7) in force at 20.10.2009 by S.I. 2009/2565, **art. 2(7)(e)**; s. 5(1)(2) in force for certain further purposes at 10.11.2009 by S.I. 2009/2565, **art. 2(2)**; s. 5(1)(2) in force for certain further purposes at 24.11.2009 by S.I. 2009/2565, **art. 2(3)**; s. 5(1)(b) in force for certain further purposes at 30.11.2009 by S.I. 2009/3032, **art. 2(1)**; s. 5(1)(b) in force for certain further purposes at 4.1.2010 by S.I. 2009/3322, **art. 2(1)**

VALID FROM 20/10/2009

ID cards

6 Issue etc. of ID cards

(1) For the purposes of this Act an ID card is a card which—
- (a) is issued to an individual by the Secretary of State, or as part of or together with a designated document; and
- (b) does, as respects that individual, both of the things specified in subsection (2).

(2) Those things are—
- (a) recording registrable facts about the individual that are already recorded as part of his entry in the Register;
- (b) carrying data enabling the card to be used for facilitating the making of applications for information recorded in a prescribed part of the individual's entry in the Register, or for otherwise facilitating the provision of that information to a person entitled to be provided with it.

(3) An ID card issued to an individual—
- (a) must record only the prescribed information;
- (b) must record prescribed parts of it in an encrypted form;
- (c) is valid only for the prescribed period; and
- (d) remains the property of the person issuing it.

(4) Except in prescribed cases, an ID card must be issued to an individual if he—
- (a) is entitled to be entered in the Register or is subject to compulsory registration; and
- (b) is an individual about whom the prescribed registrable facts are recorded in the Register;

but this subsection does not require an ID card to be issued as part of or together with a designated document issued on an application made in a case falling within subsection (7)(a) to (c).

(5) In prescribed cases an ID card may be issued to an individual who—
- (a) is not required to be issued with one; but
- (b) is an individual about whom the prescribed registrable facts are recorded in the Register.

(6) An ID card relating to an individual is not to be issued except on an application made by him which either—
- (a) accompanies an application made by him to be entered in the Register; or
- (b) in the prescribed manner confirms (with or without changes) the contents of an entry already made in the Register for that individual.

(7) Where an individual who is not already the holder of an ID card makes an application to be issued with a designated document, his application must, in the prescribed manner, include an application by him to be issued with such a card unless—
- (a) it is being made before 1st January 2010;

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(b) the designated document applied for is a United Kingdom passport (within the meaning of the Immigration Act 1971 (c. 77)); and

(c) the application for that document contains a declaration by that individual that he does not wish to be issued with such a card.

(8) Other applications for the issue of an ID card—

(a) may be made only in the prescribed manner;

(b) may be made to the Secretary of State or, in prescribed cases, to a designated documents authority; and

(c) must be accompanied by the prescribed information;

and regulations for the purposes of paragraph (b) may authorise an application to be made to a designated documents authority irrespective of whether an application is made to that authority for the issue of a designated document.

(9) The Secretary of State must not make regulations containing (with or without other provision) any provision for prescribing—

(a) the information to be recorded in or on an ID card,

(b) the form in which information is to be recorded in or on such a card, or

(c) the registrable facts which are to be relevant for the purposes of subsection (4)(b),

unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.

VALID FROM 21/01/2011

7 ID cards for those compulsorily registered

(1) This section applies where an individual—

(a) is subject to compulsory registration; and

(b) is entered in the Register.

(2) If the individual—

(a) holds a valid ID card that is due to expire within the prescribed period, or

(b) does not hold a valid ID card,

he must apply for one within the prescribed period.

(3) Where an individual applies for an ID card in pursuance of this section, the Secretary of State may require him to do such one or more of the things specified in subsection (4) as the Secretary of State thinks fit for the purpose of—

(a) verifying information provided for the purposes of the application; or

(b) otherwise ensuring that there is a complete, up-to-date and accurate entry about that individual in the Register.

(4) The things that an individual may be required to do under subsection (3) are—

(a) to attend at an agreed place and time or (in the absence of agreement) at a specified place and time;

(b) to allow his fingerprints, and other biometric information about himself, to be taken and recorded;

(c) to allow himself to be photographed;

(d) otherwise to provide such information as may be required by the Secretary of State.

(5) An individual who contravenes—

(a) a requirement imposed by subsection (2), or

(b) a requirement imposed under subsection (3),

shall be liable to a civil penalty not exceeding £1,000.

8 Functions of persons issuing designated documents

(1) A designated documents authority may issue a designated document to an individual only if—

(a) it is satisfied that the requirements imposed by or under this Act in relation to the application for the issue of that document to that individual have been complied with;

(b) it is satisfied that the Secretary of State has considered and disposed of so much of that application as relates to the making of an entry in the Register or the confirmation (with or without changes) of the contents of such an entry; and

(c) it has ascertained whether the individual already holds a valid ID card.

(2) A designated documents authority which issues a designated document to an individual in a case in which—

(a) the individual does not already hold a valid ID card, and

(b) the designated document is being issued otherwise than on an application made in a case falling within section 6(7)(a) to (c),

must ensure that the document is issued together with an ID card satisfying the prescribed requirements.

(3) Regulations made by the Secretary of State may impose requirements regulating how designated documents authorities handle—

(a) applications to be entered in the Register that are made to them;

(b) applications to be issued with ID cards that are made to them (whether or not as part of an application for a designated document); and

(c) applications made to them that confirm (with or without changes) the contents of an individual's entry in the Register.

(4) Regulations made by the Secretary of State may also require designated documents authorities to notify the Secretary of State where a designated document that was issued together with an ID card—

(a) is modified, suspended or revoked; or

(b) is required to be surrendered.

(5) The Secretary of State must not make regulations containing (with or without other provision) any provision prescribing requirements for the purposes of subsection (2) unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.

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VALID FROM 20/10/2009

Maintaining accuracy of Register etc.

9 Power to require information for validating Register

(1) Where it appears to the Secretary of State that a person on whom a requirement may be imposed under this section may have information in his possession which could be used for verifying—
- (a) something recorded in the Register about an individual,
- (b) something provided to the Secretary of State or a designated documents authority for the purpose of being recorded in an individual's entry in the Register, or
- (c) something otherwise available to the Secretary of State to be recorded about an individual in the Register,

the Secretary of State may require that person to provide him with the information.

(2) Where it appears to a designated documents authority that a person on whom a requirement may be imposed under this section may have information in his possession which could be used for verifying—
- (a) something that is recorded in the Register about an individual who has applied to the authority for the issue or modification of a designated document or of an ID card, or
- (b) something that has been provided to that authority for the purpose of being recorded in the entry of such an individual in the Register,

the authority may require that person to provide it with the information.

(3) It shall be the duty of a person who—
- (a) is required to provide information under this section, and
- (b) has the information in his possession,

to comply with the requirement within whatever period is specified in the requirement.

(4) A requirement may be imposed under this section on any person specified for the purposes of this section in an order made by the Secretary of State.

(5) The persons who may be specified in such an order include—
- (a) Ministers of the Crown;
- (b) government departments;
- (c) a Northern Ireland department;
- (d) the National Assembly for Wales;
- (e) any other person who carries out functions conferred by or under an enactment that fall to be carried out on behalf of the Crown.

(6) The power of the Secretary of State to make an order specifying a person as a person on whom a requirement may be imposed under this section includes power to provide—
- (a) that his duty to provide the information that he is required to provide is owed to the person imposing it; and
- (b) that the duty is enforceable in civil proceedings—

(i) for an injunction;

(ii) for specific performance of a statutory duty under section 45 of the Court of Session Act 1988 (c. 36); or

(iii) for any other appropriate remedy or relief.

(7) The Secretary of State may, in such cases (if any) as he thinks fit, make payments to a person providing information in accordance with this section in respect of the provision of the information.

(8) The Secretary of State must not make an order containing (with or without other provision) any provision that he is authorised to make by this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House.

10 Notification of changes affecting accuracy of Register

(1) An individual to whom an ID card has been issued must notify the Secretary of State about—

(a) every prescribed change of circumstances affecting the information recorded about him in the Register; and

(b) every error in that information of which he is aware.

(2) A notification for the purposes of this section must be given—

(a) in the prescribed manner; and

(b) within the prescribed period after the change of circumstances occurs or the individual in question becomes aware of the error.

(3) Where an individual has given a notification for the purposes of this section, the Secretary of State may require him to do such one or more of the things falling within subsection (4) as the Secretary of State thinks fit for the purpose of—

(a) verifying the information that may be entered in the Register about that individual in consequence of the notified change or for the purpose of correcting the error; or

(b) otherwise ensuring that there is a complete, up-to-date and accurate entry about that individual in the Register.

(4) The things that an individual may be required to do under subsection (3) are—

(a) to attend at an agreed place and time or (in the absence of agreement) at a specified place and time;

(b) to allow his fingerprints, and other biometric information about himself, to be taken and recorded;

(c) to allow himself to be photographed;

(d) otherwise to provide such information as may be required by the Secretary of State.

(5) Regulations under this section must not require an individual to provide information to another person unless it is information required by the Secretary of State for the statutory purposes.

(6) The power of the Secretary of State to make regulations containing (with or without other provision) any provision that he is authorised to make by this section is exercisable, on the first occasion on which regulations are made under this section,

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only if a draft of the regulations has been laid before Parliament and approved by a resolution of each House.

(7) An individual who contravenes a requirement imposed on him by or under this section shall be liable to a civil penalty not exceeding £1,000.

11 Invalidity and surrender of ID cards

(1) Regulations may require an individual to whom an ID card has been issued to notify the Secretary of State, and such other persons as may be prescribed, if he knows or has reason to suspect that the card has been—10
- (a) lost;
- (b) stolen;
- (c) damaged;
- (d) tampered with; or
- (e) destroyed.

(2) The Secretary of State may cancel an ID card if it appears to him—
- (a) that the card was issued in reliance on inaccurate or incomplete information;
- (b) that the card has been lost, stolen, damaged, tampered with or destroyed;
- (c) that there has been a modification of information recorded in the entry in the Register of the holder of the card;
- (d) that another change of circumstances requires a modification of information recorded in or on the card; or
- (e) that it is an ID card of a description of cards that the Secretary of State has decided should be re-issued.

(3) A person who is knowingly in possession of an ID card without either—
- (a) the lawful authority of the individual to whom it was issued, or
- (b) the permission of the Secretary of State,

must surrender the card as soon as it is practicable to do so.

(4) Where it appears to the Secretary of State that a person is in possession of—
- (a) an ID card issued to another,
- (b) an ID card that has expired or been cancelled or is otherwise invalid,
- (c) an ID card that has not yet been cancelled but is of a description of cards that the Secretary of State has decided should be re-issued, or
- (d) an ID card that is in that person's possession in consequence of a contravention of a relevant requirement,

the Secretary of State may require that person to surrender the card within such period as he may specify.

(5) Where an ID card has to be surrendered under subsection (3) or (4), it must be surrendered—
- (a) to the Secretary of State; or
- (b) in the case of a card issued by a designated documents authority, either to the Secretary of State or to that authority.

(6) A person who contravenes a requirement imposed by or under—
- (a) any regulations under subsection (1), or
- (b) subsection (3) or (4),

shall be liable to a civil penalty not exceeding £1,000.

(7) In this section—

(a) references to a card having been damaged include references to anything in or on it being, or having become, unreadable or otherwise unusable; and

(b) references to a card having been tampered with include references to information in or on it having been modified for an unlawful purpose, or copied or otherwise extracted for such a purpose.

(8) In this section "relevant requirement" means a requirement to surrender or otherwise to deliver an ID card to the Secretary of State, or to another, which is imposed—

(a) by virtue of any order under section 39, or

(b) by any enactment relating to the surrender of any other document.

VALID FROM 20/10/2009

Provision of information from Register for verification purposes etc.

12 Provision of information for verification or otherwise with consent

(1) The Secretary of State may provide a person with information recorded in an individual's entry in the Register if—

(a) an application for the provision of the information to that person is made by or with the authority of that individual; or

(b) that individual otherwise consents to the provision of that information to that person.

(2) The only information about an individual that may be provided to a person under this section is—

(a) information about the individual falling within paragraph 1, 3 or 4 of Schedule 1 (name, date and place of birth, gender and addresses, residential status, identifying numbers and validity of identifying documents);

(b) the information contained in any photograph of the individual recorded in the Register;

(c) the information about the individual's signature that is so recorded;

(d) information about whether an ID card issued to the individual is in force and, if not, why not;

(e) information which, by virtue of section 3(3), is recorded in the Register at the individual's request;

(f) the questions recorded by virtue of paragraph 8 of Schedule 1 for use for the purposes of applications for information about the individual;

(g) information confined to the grant or refusal of confirmation that information falling within subsection (3) that has been submitted to the Secretary of State coincides with information so falling that is recorded in the individual's entry in the Register; and

(h) information confined to the grant or refusal of confirmation that the individual's entry in the Register does not contain information of a particular description falling within that subsection.

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(3) The information falling within this subsection is—
- (a) information comprised in a fingerprint;
- (b) other biometric information;
- (c) the number to be used for the purposes of applications for information about the individual in question;
- (d) the password or other code to be so used; and
- (e) the answers to the questions to be so used.

(4) The Secretary of State may—
- (a) by order modify subsections (2) and (3); and
- (b) by regulations impose restrictions in addition to those contained in this section on the information that may be provided to a person under this section.

(5) The power of the Secretary of State by order to modify subsections (2) and (3) does not include—
- (a) power to omit subsection (2); or
- (b) power to add information falling within paragraph 9 of Schedule 1 to either of those subsections.

(6) The Secretary of State may also by regulations make provision as to—
- (a) how an authority or consent for the purposes of subsection (1) is to be given;
- (b) the persons by whom, and the circumstances in which, an application for those purposes may be made; and
- (c) how such an application is to be made.

(7) The Secretary of State may by regulations make it a condition of the provision of information under this section—
- (a) that the person to whom it is provided has registered prescribed particulars about himself with the Secretary of State;
- (b) that that person and the applicant for the information (where different) are for the time being approved by the Secretary of State in the prescribed manner; and
- (c) that apparatus used for the purposes of the application, and apparatus that it is proposed to use for the receipt and storage of the information, is for the time being approved in the prescribed manner by the person specified in or determined under the regulations.

(8) The power of the Secretary of State under this section to provide information about an individual to another person is exercisable only where the provision of the information is subject to the satisfaction in relation to that other person of conditions imposed under subsection (7)(a) and (b).

(9) The Secretary of State must not make an order containing (with or without other provision) any provision that he is authorised to make by subsection (4)(a) unless a draft of the order has been laid before Parliament and approved by a resolution of each House.

(10) The restrictions imposed by or under this section on the information that may be provided to a person do not affect any right apart from this Act for an individual to be provided with information about the contents of his entry in the Register.

Status: *Point in time view as at 07/06/2006. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Identity Cards Act 2006 (repealed). (See end of Document for details)*

VALID FROM 20/10/2009

Required identity checks

13 Power to make public services conditional on identity checks

(1) Regulations may make provision allowing or requiring a person who provides a public service to make it a condition of providing the service to an individual that the individual produces—
- (a) an ID card;
- (b) other evidence of registrable facts about himself; or
- (c) both.

(2) Regulations under this section may not allow or require the imposition of a condition on—
- (a) the entitlement of an individual to receive a payment under or in accordance with any enactment, or
- (b) the provision of any public service that has to be provided free of charge,

except in cases where the individual is of a description of individuals who are subject to compulsory registration.

(3) Nothing in this section authorises the making of regulations the effect of which would be to require an individual—
- (a) to carry an ID card with him at all times; or
- (b) to produce such a card otherwise than for purposes connected with an application by him for the provision of a public service, or with the provision of a public service for which he has applied.

14 Procedure for regulations under s. 13

(1) The power to make regulations under section 13 shall be exercisable—
- (a) in relation to the provision of Welsh public services, by the National Assembly for Wales;
- (b) in relation to the provision of Northern Ireland public services, by a Northern Ireland department designated for the purpose by order made by the Office of the First Minister and deputy First Minister; and
- (c) so far as not exercisable by any other person under paragraph (a) or (b), by the Secretary of State.

(2) In subsection (1)—
- (a) the reference to the provision of Welsh public services is a reference to the provision of public services in Wales, so far as their provision is a matter in relation to which the National Assembly for Wales has functions; and
- (b) the reference to the provision of Northern Ireland public services is a reference to the provision of public services in Northern Ireland, so far as their provision is a transferred matter (within the meaning of section 4(1) of the Northern Ireland Act 1998 (c. 47)).

Status: *Point in time view as at 07/06/2006. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Identity Cards Act 2006 (repealed). (See end of Document for details)*

(3) Regulations containing (with or without other provision) any provision the making of which is authorised by section 13 must not be made by the Secretary of State or a Northern Ireland department unless a draft of the regulations—

(a) in the case of regulations made by the Secretary of State, has been laid before Parliament and approved by a resolution of each House; and

(b) in the case of regulations made by a Northern Ireland department, has been laid before and approved by the Northern Ireland Assembly.

(4) Before—

(a) draft regulations under section 13 are laid before either House of Parliament or the Northern Ireland Assembly, or

(b) regulations under that section are made by the National Assembly for Wales,

the person proposing to make the regulations must take such steps as that person thinks fit for securing that members of the public likely to be affected by the regulations are informed about the matters mentioned in subsection (5), and for consulting them about the proposal.

(5) Those matters are—

(a) the reasons for the making of the regulations; and

(b) why reliance is not being placed on powers conferred otherwise than by this Act.

(6) Where—

(a) a power to impose conditions for the provision of a public service is exercisable under an enactment not contained in this Act, and

(b) that power is exercisable only after consultation with such persons as may be specified or described in that enactment,

the power under section 13 to impose a condition for the provision of that service or to make provision in relation to such a condition is to be exercisable only after consultation with the persons so specified or described.

15 Power to provide for checks on the Register

(1) The Secretary of State may by regulations make provision authorising a person providing a public service in respect of which—

(a) a condition is imposed under section 13, or

(b) a condition for the production of an ID card, or of evidence of registrable facts, or both, is imposed by or under any other enactment,

to be provided with information recorded in the Register that he requires for the purpose of ascertaining or verifying registrable facts about an individual who has applied for the provision of the service.

(2) Regulations under this section may not authorise the provision to any person of information falling within paragraph 9 of Schedule 1.

(3) The Secretary of State may by regulations make provision as to—

(a) the manner in which applications for the provision of information under this section must be made;

(b) the persons by whom, and the circumstances in which, such an application may be made; and

(c) the information that may be provided in response to such an application and the manner in which it may be provided.

(4) The Secretary of State may by regulations make it a condition of the provision of information under this section—

(a) that the person to whom it is provided has registered prescribed particulars about himself with the Secretary of State;

(b) that that person and the applicant for the information (where different) are for the time being approved by the Secretary of State in the prescribed manner; and

(c) that apparatus used for the purposes of the application, and apparatus that it is proposed to use for the receipt and storage of the information, is for the time being approved in the prescribed manner by the person specified in or determined under the regulations.

(5) The power of the Secretary of State under this section to provide information about an individual to another person is exercisable only where the provision of the information is subject to the satisfaction in relation to that other person of conditions imposed under subsection (4)(a) and (b).

(6) The Secretary of State must not make regulations containing (with or without other provision) any provision that he is authorised to make by this section unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.

(7) Before draft regulations under this section are laid before either House of Parliament, the Secretary of State must take such steps as he thinks fit for securing that—

(a) members of the public in the United Kingdom are informed about the reasons for the proposal to make the regulations; and

(b) for consulting them about it.

(8) In this section "enactment" includes an enactment comprised in an Act of the Scottish Parliament.

16 Prohibition on requirements to produce identity cards

(1) It shall be unlawful to make it a condition of doing anything in relation to an individual that the individual—

(a) makes an application under section 12(1) for the provision to him of information recorded in his entry in the Register;

(b) exercises the right conferred by section 7 of the Data Protection Act 1998 (c. 29) to obtain information recorded in his entry in the Register; or

(c) provides a person with information about what is recorded in his entry in the Register.

(2) It shall also be unlawful in cases not falling within subsection (3) for any person—

(a) to make it a condition of doing anything in relation to an individual that the individual makes an application, or gives an authority or consent, for the purposes of section 12(1) in order to secure the provision to another person of information recorded in the individual's entry in the Register;

(b) to make it a condition of doing anything in relation to an individual that the individual establishes his identity by the production of an ID card; or

(c) otherwise to impose a requirement on an individual to produce such a card.

Status: *Point in time view as at 07/06/2006. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Identity Cards Act 2006 (repealed). (See end of Document for details)*

(3) Each of the following is a case in which a condition or requirement referred to in subsection (2) may be imposed in relation to or on an individual—
  (a) where the condition or requirement is imposed in accordance with regulations under section 13, or in accordance with provision made by or under any other enactment;
  (b) where provision is made allowing the individual to satisfy the condition or other requirement using reasonable alternative methods of establishing his identity;
  (c) where the individual is of a description of individuals who are subject to compulsory registration.

(4) The obligation of a person by virtue of this section not to impose a condition or requirement in relation to or on an individual is a duty owed to that individual and is enforceable by him in civil proceedings—
  (a) for an injunction or interdict; or
  (b) for any other appropriate remedy or relief.

(5) In this section "enactment" includes an enactment comprised in an Act of the Scottish Parliament.

VALID FROM 20/10/2009

Other purposes for which registered information can be provided

17 Public authorities etc.

(1) The Secretary of State may, without the individual's consent, provide a person with information recorded in an individual's entry in the Register if—
  (a) the provision of the information is authorised by this section; and
  (b) there is compliance with any requirements imposed by or under section 21 in relation to the provision of the information.

(2) The provision of information is authorised by this section where it is—
  (a) the provision of information to the Director-General of the Security Service for purposes connected with the carrying out of any of that Service's functions;
  (b) the provision of information to the Chief of the Secret Intelligence Service for purposes connected with the carrying out of any of that Service's functions;
  (c) the provision of information to the Director of the Government Communications Headquarters for purposes connected with the carrying out of any of the functions of GCHQ; or
  (d) the provision of information to the Director General of the Serious Organised Crime Agency for purposes connected with the carrying out of any of that Agency's functions.

(3) The provision of information not falling within paragraph 9 of Schedule 1 is authorised by this section where the information is provided to a chief officer of police—

(a) in the interests of national security;
(b) for purposes connected with the prevention or detection of crime; or
(c) for other purposes specified by order made by the Secretary of State.

(4) The provision of information not falling within paragraph 9 of Schedule 1 is authorised by this section where the information is provided to the Commissioners for Her Majesty's Revenue and Customs—
(a) in the interests of national security;
(b) for purposes connected with the prevention or detection of crime;
(c) for purposes connected with the prevention, detection or investigation of conduct in respect of which the Commissioners have power to impose penalties, or with the imposition of such penalties;
(d) for the purpose of facilitating the checking of information provided to the Commissioners in connection with anything under their care and management, or with any other matter in relation to which the Commissioners have duties under any enactment;
(e) for purposes connected with any of the functions of the Commissioners in relation to national insurance contributions or national insurance numbers; or
(f) for other purposes specified by order made by the Secretary of State.

(5) The provision of information not falling within paragraph 9 of Schedule 1 is authorised by this section where the information is provided—
(a) to a prescribed government department, or
(b) to a prescribed Northern Ireland department,
for purposes connected with the carrying out of any prescribed functions of that department or of a Minister in charge of it.

(6) The provision of information to a designated documents authority is authorised by this section where the information is provided for purposes connected with the exercise or performance by the authority of—
(a) any of its powers or duties by virtue of this Act; or
(b) any of its other powers or duties in relation to the issue or modification of designated documents.

(7) The powers of the Secretary of State by virtue of this section to make an order or regulations authorising the provision of information to a person are exercisable for the purposes only of authorising the provision of information in circumstances in which its provision to the person in question is necessary in the public interest.

(8) The Secretary of State must not make an order or regulations containing (with or without other provision) any provision that he is authorised to make under this section unless a draft of the order or regulations has been laid before Parliament and approved by a resolution of each House.

(9) In this section—
"chief officer of police" means—
(a) the chief officer of police of a police force maintained for a police area in England and Wales;
(b) the chief constable of a police force maintained under the Police (Scotland) Act 1967 (c. 77);
(c) the Chief Constable of the Police Service of Northern Ireland;
(d) the Chief Constable of the Ministry of Defence Police;

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(e) the Chief Constable of the Civil Nuclear Constabulary;
(f) the Chief Constable of the British Transport Police;
(g) the chief officer of the States of Jersey Police Force;
(h) the chief officer of the salaried police force of the Island of Guernsey; or
(i) the Chief Constable of the Isle of Man Constabulary;

"GCHQ" has the same meaning as in the Intelligence Services Act 1994 (c. 13).

(10) Nothing in this section is to be construed as restricting any power to disclose information that exists apart from this section.

18 Prevention and detection of crime

(1) The Secretary of State may, without the individual's consent, provide a person with information recorded in an individual's entry in the Register if—
(a) the provision of the information is authorised by this section; and
(b) there is compliance with any requirements imposed by or under section 21 in relation to the provision of the information.

(2) The provision to a person of information not falling within paragraph 9 of Schedule 1 is authorised by this section (so far as it is not otherwise authorised by section 17) if the information is provided for any of the purposes specified in section 17(2)(a) to (d) of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (criminal proceedings and investigations).

(3) Section 18 of the Anti-terrorism, Crime and Security Act 2001 (restriction on disclosure of information for overseas purposes) shall have effect in relation to the provision to a person of information by virtue of subsection (2) as it applies in relation to a disclosure of information in exercise of a power to which section 17 of that Act applies.

(4) The provision of information falling within paragraph 9 of Schedule 1 is authorised by this section if it is provided—
(a) to a person to whom information may be provided by virtue of any of subsections (3) to (5) of section 17 or is made as mentioned in subsection (2) of this section; and
(b) for purposes connected with the prevention or detection of serious crime.

19 Correcting inaccurate or incomplete information

(1) This section applies where—
(a) information about an individual has been provided for verification purposes to the Secretary of State or to a designated documents authority; and
(b) it appears to the Secretary of State that the information was inaccurate or incomplete in one or more particulars.

(2) The Secretary of State may, without the individual's consent, provide the person who provided the inaccurate or incomplete information with information about—
(a) the respects in which it is inaccurate or incomplete; and
(b) what is in fact recorded in that individual's entry in respect of the matters to which the inaccurate or incomplete information related.

(3) The provision of information to a person under this section is subject to compliance with any requirements imposed by or under section 21 in relation to its provision.

(4) The reference in this section to providing information about an individual for verification purposes is a reference to providing information about that individual which is required (whether under section 9 or otherwise) or intended to be used by the Secretary of State or a designated documents authority for verifying—

(a) something recorded in that individual's entry in the Register,

(b) something provided to the Secretary of State or a designated documents authority for the purpose of being recorded in an entry about that individual in the Register, or

(c) something otherwise available to the Secretary of State to be so recorded.

20 Power to authorise provision of information in other circumstances

(1) In a case where there is no authorisation under sections 17 to 19 for the provision of information, the Secretary of State may nevertheless, without the individual's consent, provide a public authority with information recorded in an individual's entry in the Register if—

(a) the information is not information falling within paragraph 9 of Schedule 1;

(b) the information is of a description specified or described in an order made by the Secretary of State;

(c) the information is provided to a public authority so specified or described;

(d) the information is provided for the purposes so specified or described; and

(e) there is compliance with any requirements imposed by or under section 21 in relation to the provision of the information.

(2) The power of the Secretary of State by virtue of this section to make an order authorising the provision of information to a public authority is exercisable for the purpose only of authorising the provision of information in circumstances in which its provision to the authority in question is necessary in the public interest.

(3) The Secretary of State must not make an order containing (with or without other provision) any provision that he is authorised to make by this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House.

21 Rules for providing information without individual's consent

(1) Under sections 17 to 20 the Secretary of State may provide a person with information within paragraph 2 of Schedule 1 only if he is satisfied that it would not have been reasonably practicable for the person to whom the information is provided to have obtained the information by other means.

(2) The Secretary of State may by regulations make provision—

(a) imposing requirements that must be satisfied before information is provided under any of sections 17 to 20; and

(b) restricting the persons who may be authorised to act on his behalf for or in connection with the provision of information under any of those sections.

(3) Those regulations may include—

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(a) provision requiring a person to be provided with information only where an application for it has been made by or on behalf of that person;

(b) provision specifying or describing the persons who are entitled to make applications for the provision of information to a person; and

(c) provision imposing other requirements as to the manner in which such applications must be made.

(4) The Secretary of State may by regulations make it a condition of providing information to a person—

(a) that that person (where not specified in sections 17 to 20) and the applicant for the information (where different) are for the time being approved by the Secretary of State in the prescribed manner; and

(b) that apparatus used for the purposes of the application, and apparatus that it is proposed to use for the receipt and storage of the information, is for the time being approved in the prescribed manner by the person specified in or determined under the regulations.

(5) The Secretary of State may also by regulations provide that information that may be provided to a person under any of sections 17 to 20 may be provided instead to another person who—

(a) is authorised by that person to be a recipient of information provided under that section;

(b) holds such office, rank or position as may be specified in the regulations; and

(c) is under the direction or control of that person, or is otherwise answerable or subordinate to him, in respect of any of his duties as a person holding that office, rank or position.

(6) A power of the Secretary of State under any of sections 17 to 20 to provide information about an individual to another person is exercisable only where the provision of the information is subject to the satisfaction in relation to that other person of conditions imposed under subsection (4)(a).

(7) The Secretary of State must not make regulations containing (with or without other provision) any provision that he is authorised to make by this section unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.

VALID FROM 01/10/2009

Supervision of operation of Act

22 Appointment of National Identity Scheme Commissioner

(1) The Secretary of State must appoint a Commissioner to be known as the National Identity Scheme Commissioner.

(2) It shall be the function of the Commissioner (subject to subsection (4)) to keep under review—

(a) the arrangements for the time being maintained by the Secretary of State for the purposes of his functions under this Act or the subordinate legislation made under it;

(b) the arrangements for the time being maintained by designated documents authorities for the purposes of their functions under this Act or that subordinate legislation;

(c) the arrangements made, by persons to whom information may be provided, for obtaining the information available to them under this Act or that subordinate legislation and for recording and using it; and

(d) the uses to which ID cards are being put.

(3) Where the Commissioner reviews any arrangements in accordance with subsection (2), his review must include, in particular, a review of the extent to which the arrangements make appropriate provision—

(a) for securing the confidentiality and integrity of information recorded in the Register; and

(b) for dealing with complaints made to the Secretary of State or a designated documents authority about the carrying out of the functions mentioned in that subsection.

(4) The matters to be kept under review by the Commissioner do not include—

(a) the exercise of powers which under this Act are exercisable by statutory instrument or by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12));

(b) appeals against civil penalties;

(c) the operation of so much of this Act or of any subordinate legislation as imposes or relates to criminal offences;

(d) the provision of information to the Director-General of the Security Service, the Chief of the Secret Intelligence Service or the Director of the Government Communications Headquarters;

(e) the provision to another member of the intelligence services, in accordance with regulations under section 21(5), of information that may be provided to that Director-General, Chief or Director;

(f) the exercise by the Secretary of State of his powers under section 38; or

(g) arrangements made for the purposes of anything mentioned in paragraphs (a) to (f).

(5) It shall be the duty of every official of the Secretary of State's department to provide the Commissioner with all such information (including information recorded in the Register) as he may require for the purpose of carrying out his functions under this Act.

(6) The Commissioner is to hold office in accordance with the terms of his appointment; and there shall be paid to him out of money provided by Parliament such allowances as the Treasury may determine.

(7) The Secretary of State—

(a) after consultation with the Commissioner, and

(b) subject to the approval of the Treasury as to numbers,

must provide the Commissioner with such staff as the Secretary of State considers necessary for the carrying out of the Commissioner's functions.

(8) In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (c. 36) (public authorities for the purposes of that Act), at the appropriate place, insert— “ The National Identity Scheme Commissioner. ”

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Changes to legislation: *There are currently no known outstanding effects for the Identity Cards Act 2006 (repealed). (See end of Document for details)*

(9) In this section "intelligence service" has the same meaning as in the Regulation of Investigatory Powers Act 2000 (c. 23).

23 Reports by Commissioner

(1) As soon as practicable after the end of each calendar year, the Commissioner must make a report to the Secretary of State about the carrying out of the Commissioner's functions.

(2) The Commissioner may also, at any other time, make such report to the Secretary of State on any matter relating to the carrying out of those functions as the Commissioner thinks fit.

(3) The Secretary of State must lay before Parliament a copy of every report made to him under this section.

(4) If it appears to the Secretary of State, after consultation with the Commissioner, that the publication of a particular matter contained in a report under this section would be prejudicial to—

(a) national security, or

(b) the prevention or detection of crime,

the Secretary of State may exclude that matter from the copy of the report that he lays before Parliament.

(5) Where a matter is excluded under subsection (4) from a copy of a report laid before Parliament, the Secretary of State must, when he lays that copy of the report, also lay before Parliament a statement that a matter has been excluded from the report under that subsection.

24 Jurisdiction of Intelligence Services Commissioner and Tribunal

(1) The Regulation of Investigatory Powers Act 2000 (c. 23) is amended as follows.

(2) In section 59 (functions of Intelligence Services Commissioner), after subsection (2) insert—

"(2A) The Intelligence Services Commissioner shall also keep under review—

(a) the acquisition, storage and use by the intelligence services of information recorded in the National Identity Register;

(b) the provision of such information to members of the intelligence services in accordance with any provision made by or under the Identity Cards Act 2006;

(c) arrangements made by the Secretary of State or any of the intelligence services for the purposes of anything mentioned in paragraph (a) or (b)."

(3) In section 65(2)(b) (complaints in relation to which Tribunal has jurisdiction), after "subsection (4)" insert " or (4A) ".

(4) In section 65(3) (proceedings in relation to which the Tribunal has jurisdiction), for the "or" at the end of paragraph (c) substitute—

"(ca) they are proceedings relating to the provision to a member of any of the intelligence services of information recorded in an individual's entry in the National Identity Register;

(cb) they are proceedings relating to the acquisition, storage or use of such information by any of the intelligence services; or".

(5) After section 65(4) insert—

"(4A) The Tribunal is also the appropriate forum for a complaint if it is a complaint by an individual about what he believes to be—

(a) the provision to a member of any of the intelligence services of information recorded in that individual's entry in the National Identity Register; or

(b) the acquisition, storage or use of such information by any of the intelligence services."

Offences

25 Possession of false identity documents etc.

(1) It is an offence for a person with the requisite intention to have in his possession or under his control—

(a) an identity document that is false and that he knows or believes to be false;

(b) an identity document that was improperly obtained and that he knows or believes to have been improperly obtained; or

(c) an identity document that relates to someone else.

(2) The requisite intention for the purposes of subsection (1) is—

(a) the intention of using the document for establishing registrable facts about himself; or

(b) the intention of allowing or inducing another to use it for establishing, ascertaining or verifying registrable facts about himself or about any other person (with the exception, in the case of a document within paragraph (c) of that subsection, of the individual to whom it relates).

(3) It is an offence for a person with the requisite intention to make, or to have in his possession or under his control—

(a) any apparatus which, to his knowledge, is or has been specially designed or adapted for the making of false identity documents; or

(b) any article or material which, to his knowledge, is or has been specially designed or adapted to be used in the making of false identity documents.

(4) The requisite intention for the purposes of subsection (3) is the intention—

(a) that he or another will make a false identity document; and

(b) that the document will be used by somebody for establishing, ascertaining or verifying registrable facts about a person.

(5) It is an offence for a person to have in his possession or under his control, without reasonable excuse—

(a) an identity document that is false;

(b) an identity document that was improperly obtained;

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(c) an identity document that relates to someone else; or

(d) any apparatus, article or material which, to his knowledge, is or has been specially designed or adapted for the making of false identity documents or to be used in the making of such documents.

(6) A person guilty of an offence under subsection (1) or (3) shall be liable, on conviction on indictment, to imprisonment for a term not exceeding ten years or to a fine, or to both.

(7) A person guilty of an offence under subsection (5) shall be liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both;

(b) on summary conviction in England and Wales, to imprisonment for a term not exceeding twelve months or to a fine not exceeding the statutory maximum, or to both;

(c) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;

but, in relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44), the reference in paragraph (b) to twelve months is to be read as a reference to six months.

(8) For the purposes of this section—

(a) an identity document is false only if it is false within the meaning of Part 1 of the Forgery and Counterfeiting Act 1981 (c. 45) (see section 9(1) of that Act); and

(b) an identity document was improperly obtained if false information was provided, in or in connection with the application for its issue or an application for its modification, to the person who issued it or (as the case may be) to a person entitled to modify it;

and references to the making of a false identity document include references to the modification of an identity document so that it becomes false.

(9) Subsection (8)(a) does not apply in the application of this section to Scotland.

(10) In this section "identity document" has the meaning given by section 26.

26 Identity documents for the purposes of s. 25

(1) In section 25 "identity document" means any document that is, or purports to be—

(a) an ID card;

(b) a designated document;

(c) an immigration document;

(d) a United Kingdom passport (within the meaning of the Immigration Act 1971 (c. 77));

(e) a passport issued by or on behalf of the authorities of a country or territory outside the United Kingdom or by or on behalf of an international organisation;

(f) a document that can be used (in some or all circumstances) instead of a passport;

(g) a UK driving licence; or

(h) a driving licence issued by or on behalf of the authorities of a country or territory outside the United Kingdom.

(2) In subsection (1) "immigration document" means—

(a) a document used for confirming the right of a person under the Community Treaties in respect of entry or residence in the United Kingdom;

(b) a document which is given in exercise of immigration functions and records information about leave granted to a person to enter or to remain in the United Kingdom; or23

(c) a registration card (within the meaning of section 26A of the Immigration Act 1971);

and in paragraph (b) "immigration functions" means functions under the Immigration Acts (within the meaning of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19)).

(3) In that subsection "UK driving licence" means—

(a) a licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988 (c. 52); or

(b) a licence to drive a motor vehicle granted under Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)).

(4) The Secretary of State may by order modify the list of documents in subsection (1).

(5) The Secretary of State must not make an order containing (with or without other provision) any provision that he is authorised to make by subsection (4) unless a draft of the order has been laid before Parliament and approved by a resolution of each House.

VALID FROM 20/10/2009

27 Unauthorised disclosure of information

(1) A person is guilty of an offence if, without lawful authority—

(a) he provides any person with information that he is required to keep confidential; or

(b) he otherwise makes a disclosure of any such information.

(2) For the purposes of this section a person is required to keep information confidential if it is information that is or has become available to him by reason of his holding an office or employment the duties of which relate, in whole or in part, to—

(a) the establishment or maintenance of the Register;

(b) the issue, manufacture, modification, cancellation or surrender of ID cards; or

(c) the carrying out of the Commissioner's functions.

(3) For the purposes of this section information is provided or otherwise disclosed with lawful authority if, and only if the provision or other disclosure of the information—

(a) is authorised by or under this Act or another enactment;

(b) is in pursuance of an order or direction of a court or of a tribunal established by or under any enactment;

(c) is in pursuance of a Community obligation; or

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Changes to legislation: *There are currently no known outstanding effects for the Identity Cards Act 2006 (repealed). (See end of Document for details)*

(d) is for the purposes of the performance of the duties of an office or employment of the sort mentioned in subsection (2).

(4) It is a defence for a person charged with an offence under this section to show that, at the time of the alleged offence, he believed, on reasonable grounds, that he had lawful authority to provide the information or to make the other disclosure in question.

(5) A person guilty of an offence under this section shall be liable, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

VALID FROM 20/10/2009

28 Providing false information

(1) A person is guilty of an offence if, in circumstances falling within subsection (2), he provides false information to any person —

(a) for the purpose of securing the making or modification of an entry in the Register;

(b) in confirming (with or without changes) the contents of an entry in the Register; or

(c) for the purpose of obtaining for himself or another the issue or modification of an ID card.

(2) Those circumstances are that, at the time of the provision of the information he—

(a) knows or believes the information to be false; or

(b) is reckless as to whether or not it is false.

(3) A person guilty of an offence under this section shall be liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both;

(b) on summary conviction in England and Wales, to imprisonment for a term not exceeding twelve months or to a fine not exceeding the statutory maximum, or to both;

(c) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;

but, in relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44), the reference in paragraph (b) to twelve months is to be read as a reference to six months.

VALID FROM 20/10/2009

29 Tampering with the Register etc.

(1) A person is guilty of an offence under this section if—

(a) he engages in any conduct that causes an unauthorised modification of information recorded in the Register; and

(b) at the time when he engages in the conduct, he has the requisite intent.

(2) For the purposes of this section a person has the requisite intent if he—
- (a) intends to cause a modification of information recorded in the Register; or
- (b) is reckless as to whether or not his conduct will cause such a modification.

(3) For the purposes of this section the cases in which conduct causes a modification of information recorded in the Register include—
- (a) where it contributes to a modification of such information; and
- (b) where it makes it more difficult or impossible for such information to be retrieved in a legible form from a computer on which it is stored by the Secretary of State, or contributes to making that more difficult or impossible.

(4) It is immaterial for the purposes of this section—
- (a) whether the conduct constituting the offence, or any of it, took place in the United Kingdom; or
- (b) in the case of conduct outside the United Kingdom, whether it is conduct of a British citizen.

(5) For the purposes of this section a modification is unauthorised, in relation to the person whose conduct causes it, if—
- (a) he is not himself entitled to determine if the modification may be made; and
- (b) he does not have a consent to the modification from a person who is so entitled.

(6) In proceedings against a person for an offence under this section in respect of conduct causing a modification of information recorded in the Register it is to be a defence for that person to show that, at the time of the conduct, he believed, on reasonable grounds—
- (a) that he was a person entitled to determine if that modification might be made; or
- (b) that consent to the modification had been given by a person so entitled.

(7) A person guilty of an offence under this section shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding ten years or to a fine, or to both;
- (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding twelve months or to a fine not exceeding the statutory maximum, or to both;
- (c) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;

but, in relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44), the reference in paragraph (b) to twelve months is to be read as a reference to six months.

(8) In the case of an offence by virtue of this section in respect of conduct wholly or partly outside the United Kingdom—
- (a) proceedings for the offence may be taken at any place in the United Kingdom; and
- (b) the offence may for all incidental purposes be treated as having been committed at any such place.

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(9) In this section—

"conduct" includes acts and omissions; and

"modification" includes a temporary modification.

30 Amendments relating to offences

(1) In section 1(2) of the Criminal Justice Act 1993 (c. 36) (Group A offences in respect of which jurisdiction is extended for some purposes in relation to conduct outside England and Wales), after paragraph (c) insert—

"(ca) an offence under section 25 of the Identity Cards Act 2006;".

(2) In section 31 of the Immigration and Asylum Act 1999 (defences based on Article 31(1) of the Refugee Convention)—

(a) in subsection (3) (offences in England and Wales and Northern Ireland to which section applies), after paragraph (a) insert—

"(aa) section 25(1) or (5) of the Identity Cards Act 2006;"

(b) in subsection (4) (offences in Scotland to which section applies), after paragraph (b) insert—

"(ba) under section 25(1) or (5) of the Identity Cards Act 2006;".

(3) In section 14(2) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19) (powers of arrest for immigration officers), after paragraph (p) insert—

"(q) an offence under section 25 of the Identity Cards Act 2006."

(4) In Article 26(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) (offences for which an arrest may be made without a warrant), at the end insert—

"(q) an offence under—

(i) section 25(5) of the Identity Cards Act 2006 (possession of false document etc.);

(ii) section 27 of that Act (disclosure of information on National Identity Register); or

(iii) section 28 of that Act (providing false information)."

(5) In Article 38(2) of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)) (which makes provision in relation to conduct outside Northern Ireland corresponding to that made by section 1(2) of the Criminal Justice Act 1993 (c. 36)), after sub-paragraph (c) insert—

"(ca) an offence under section 25 of the Identity Cards Act 2006;".

Commencement Information

I4 S. 30 wholly in force at 20.10.2009; s. 30 not in force at Royal Assent see s. 44(3), s. 30 in force for certain purposes at 7.6.2006 by S.I. 2006/1439, **art. 2(c)**; s. 30 in force so far as not already in force at 20.10.2009 by S.I. 2009/2565, **art. 2(7)(x)**

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Changes to legislation: *There are currently no known outstanding effects for the Identity Cards Act 2006 (repealed). (See end of Document for details)*

VALID FROM 20/10/2009

Civil penalties

31 Imposition of civil penalties

(1) This section applies where the Secretary of State is satisfied that a person ("the defaulter") is a person who is liable under this Act to a civil penalty not exceeding a specified amount.

(2) The Secretary of State may, by a notice given to the defaulter in the prescribed manner, impose on him a penalty of such amount, not exceeding the specified amount, as the Secretary of State thinks fit.

(3) A notice imposing such a penalty must—
- (a) set out the Secretary of State's reasons for deciding that the defaulter is liable to a penalty;
- (b) state the amount of the penalty that is being imposed;
- (c) specify a date before which the penalty must be paid to the Secretary of State;
- (d) describe how payment may be made;
- (e) explain the steps that the defaulter may take if he objects to the penalty; and
- (f) set out and explain the powers of the Secretary of State to enforce the penalty.

(4) The date for the payment of a penalty must be not less than 14 days after the giving of the notice imposing it.

(5) A penalty imposed in accordance with this section—
- (a) must be paid to the Secretary of State in a manner described in the notice imposing it; and
- (b) if not so paid by the specified date, is to be recoverable by him accordingly.

(6) In proceedings for recovery of a penalty so imposed no question may be raised as to—
- (a) whether the defaulter was liable to the penalty;
- (b) whether the imposition of the penalty was unreasonable; or
- (c) the amount of the penalty.

(7) Sums received by the Secretary of State in respect of penalties imposed in accordance with this section must be paid into the Consolidated Fund.

32 Objection to penalty

(1) A person to whom a notice under section 31 has been given may give notice to the Secretary of State that he objects to the penalty on one or more of the following grounds—
- (a) that he is not liable to it;
- (b) that the circumstances of the contravention in respect of which he is liable make the imposition of a penalty unreasonable;
- (c) that the amount of the penalty is too high.

(2) The notice of objection—

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(a) must set out the grounds of the objection and the objector's reasons for objecting on those grounds; and

(b) must be given to the Secretary of State in the prescribed manner and within the prescribed period after the giving of the notice imposing the penalty.

(3) The Secretary of State must consider a notice of objection given in accordance with this section and may then—

(a) cancel the penalty;

(b) reduce it;

(c) increase it; or

(d) confirm it.

(4) The Secretary of State must not enforce a penalty in respect of which he has received a notice of objection before he has notified the objector of the outcome of his consideration of the objection.

(5) That notification of the outcome of his consideration must be given, in the prescribed manner—

(a) before the end of the prescribed period; or

(b) within such longer period as he may agree with the objector.

(6) Where, on consideration of an objection, the Secretary of State increases the penalty, he must give the objector a new penalty notice under section 31; and, where he reduces it, he must notify the objector of the reduced amount.

33 Appeals against penalties

(1) A person on whom a penalty has been imposed under section 31 may appeal to the court on one or more of the following grounds—

(a) that he is not liable to it;

(b) that the circumstances of the contravention in respect of which he is liable make the imposition of a penalty unreasonable;

(c) that the amount of the penalty is too high.

(2) An appeal under this section must be brought within such period after the giving of the notice imposing the penalty to which it relates as may be specified by rules of court.

(3) On an appeal under this section, the court may—

(a) allow the appeal and cancel the penalty;

(b) allow the appeal and reduce the penalty; or

(c) dismiss the appeal.

(4) An appeal under this section shall be by way of a rehearing of the Secretary of State's decision to impose the penalty.

(5) The matters to which the court may have regard when determining an appeal under this section include all matters that the court considers relevant, including—

(a) matters of which the Secretary of State was unaware when he made his decision; and

(b) matters which (apart from this subsection) the court would be prevented from having regard to by virtue of rules of court.

(6) An appeal under this section may be brought in relation to a penalty irrespective of whether a notice of objection under section 32 has been given in respect of that penalty and of whether there has been an increase or reduction under that section.

(7) In this section "the court" means—
- (a) in England and Wales or Northern Ireland, a county court; and
- (b) in Scotland, the sheriff.

34 Code of practice on penalties

(1) The Secretary of State must issue a code of practice setting out the matters that must be considered when determining—
- (a) whether a civil penalty should be imposed under this Act; and
- (b) the amount of such a penalty.

(2) The Secretary of State must have regard to the code when—
- (a) imposing a civil penalty under this Act; or
- (b) considering a notice of objection under section 32.

(3) The court must have regard to the code when determining any appeal under section 33.

(4) Before issuing the code, the Secretary of State must lay a draft of it before Parliament.

(5) Before a draft code under this section is laid before Parliament, the Secretary of State must take such steps as he thinks fit—
- (a) for securing that members of the public in the United Kingdom are informed about the proposed code; and
- (b) for consulting them about it.

(6) The code issued under this section does not come into force until the time specified by order made by the Secretary of State.

(7) The Secretary of State may from time to time—
- (a) revise the whole or a part of the code; and
- (b) issue the revised code.

(8) Subsections (4) to (6) apply to a revised code as they apply to the code first issued under this section.

(9) The power of the Secretary of State to make an order containing (with or without other provision) a provision authorised by this section is exercisable, on the first occasion on which an order is made under this section, only if a draft of the order has been laid before Parliament and approved by a resolution of each House.

(10) A statutory instrument containing an order which—
- (a) contains provisions that the Secretary of State is authorised to make by this section, and
- (b) is not an order a draft of which is required to have been laid before Parliament and approved by a resolution of each House,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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Fees and charges

VALID FROM 20/10/2009

35 Fees in respect of functions carried out under Act

(1) The Secretary of State may by regulations impose fees, of such amounts as he thinks fit, to be paid to him in respect of any one or more of the following—
- (a) applications to him for entries to be made in the Register, for the modification of entries or for the issue of ID cards;
- (b) the making or modification of entries in the Register;
- (c) the issue of ID cards;
- (d) applications for the provision of information contained in entries in the Register;
- (e) the provision of such information;
- (f) applications for confirmation that information supplied coincides with information recorded in the Register;
- (g) the issue or refusal of such confirmations;
- (h) applications for the approval of a person or of apparatus in accordance with any regulations under this Act;
- (i) the grant of such approvals.

(2) The provision that may be made by regulations under this section includes—
- (a) provision for the payment of fees by instalments; and
- (b) provision establishing arrangements under which instalments may be paid in anticipation of a fee becoming due.

(3) In prescribing a fee under this section in respect of anything mentioned in a particular paragraph of subsection (1), the Secretary of State may take into account—
- (a) expenses that will be or have been incurred by him in respect of that thing, both in the circumstances in relation to which the fee is prescribed and in other circumstances;
- (b) expenses that will be or have been incurred by him in respect of such other things mentioned in that subsection as he thinks fit;
- (c) other expenses that will be or have been incurred by him in connection with any provision made by or under this Act;
- (d) expenses that will be or have been incurred by any person in connection with applications for, and the issue of, designated documents (whether or not together with ID cards);
- (e) expenses that will be or have been incurred in the provision of consular services (within the meaning of section 1 of the Consular Fees Act 1980 (c. 23)); and
- (f) such differences between different persons by or in relation to whom that thing may be done as he thinks fit.

(4) The consent of the Treasury is required for the making of regulations under subsection (1).

(5) Every power conferred by or under an enactment to fix or impose fees in respect of—
- (a) applications for a designated document, or

(b) the issue of designated documents,

includes power to fix or impose fees in respect of things done by virtue of this Act in connection with such applications, or with the issue of such documents.

(6) References in this section to expenses that will be incurred for any purpose include references to expenses that the Secretary of State considers are likely to be incurred for that purpose over such period as he thinks appropriate, including expenses that will be incurred only after the commencement of particular provisions of this Act.

(7) The power of the Secretary of State to make regulations containing (with or without other provision) a provision that he is authorised to make by subsection (1) is exercisable—

(a) on the first occasion on which regulations are made under this section, and

(b) on every subsequent occasion on which it appears to the Secretary of State that the power is being exercised for purposes that are not confined to the modification of existing fees to take account of changes in the value of money,

only if a draft of the regulations has been laid before Parliament and approved by a resolution of each House.

(8) Fees received by the Secretary of State by virtue of this section must be paid into the Consolidated Fund.

36 Amendment of Consular Fees Act 1980

In section 1 of the Consular Fees Act 1980 (power to impose fees in respect of the carrying out of consular functions), after subsection (4) insert—

"(4A) In prescribing a fee under subsection (1) for the doing of a particular thing, Her Majesty in Council may take into account—

(a) the expenses that will be or have been incurred in doing that thing, both in the circumstances in relation to which the fee is prescribed and in other circumstances;

(b) the expenses that will be or have been incurred in doing such other things in the exercise of functions mentioned in that subsection as She thinks fit;

(c) expenses that will be or have been incurred by the Secretary of State in connection with arrangements made for purposes connected with both the exercise of such functions and provision made by or under the Identity Cards Act 2006; and

(d) such differences between different persons in relation to whom things may be or have been done as She thinks fit.

(4B) The power of Her Majesty in Council under subsection (1) to prescribe fees and the power of the Secretary of State under subsection (3) to make regulations each includes power—

(a) to make different provision for different cases;

(b) to make provision subject to such exemptions and exceptions as the person exercising the power thinks fit; and

(c) to make such incidental, supplemental, consequential and transitional provision as that person thinks fit.

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(4C) References in this section to expenses that will be incurred for any purpose include references to expenses that Her Majesty in Council considers are likely to be incurred for that purpose over such period as She thinks appropriate, including expenses that will only be incurred after the commencement of a particular enactment."

VALID FROM 30/09/2006

37 Report to Parliament about likely costs of ID cards scheme

(1) Before the end of the six months beginning with the day on which this Act is passed, the Secretary of State must prepare and lay before Parliament a report setting out his estimate of the public expenditure likely to be incurred on the ID cards scheme during the ten years beginning with the laying of the report.

(2) Before the end of every six months beginning with the laying of a report under this section, the Secretary of State must prepare and lay before Parliament a further report setting out his estimate of the public expenditure likely to be incurred on the ID cards scheme during the ten years beginning with the end of those six months.

(3) References in this section, in relation to any period of ten years, to the public expenditure likely to be incurred on the ID cards scheme are references to the expenditure likely to be incurred over that period by the Secretary of State and designated documents authorities on—
- (a) the establishment and maintenance of the Register;
- (b) the issue, modification, renewal, replacement, re-issue and surrender of ID cards;
- (c) the provision to persons by the Secretary of State of information recorded in individuals' entries in the Register.

(4) If it appears to the Secretary of State that it would be prejudicial to securing the best value from the use of public money to publish any matter by including it in his next report under this section, he may exclude that matter from that report.

Provisions relating to passports

38 Verifying information provided with passport applications etc.

(1) Where it appears to the Secretary of State that a person on whom a requirement may be imposed under this section may have information in his possession which could be used—
- (a) for verifying information provided to the Secretary of State for the purposes of, or in connection with, an application for the issue of a passport, or
- (b) for determining whether to withdraw an individual's passport,

the Secretary of State may require that person to provide him with the information.

(2) It shall be the duty of a person who—
- (a) is required to provide information under this section, and
- (b) has the information in his possession,

to comply with the requirement within whatever period is specified in the requirement.

(3) A requirement may be imposed under this section on—
- (a) a Minister of the Crown;
- (b) a government department;
- (c) a Northern Ireland department;
- (d) the National Assembly for Wales; or
- (e) any person not falling within paragraph (a) to (d) who is specified for the purposes of this section in an order made by the Secretary of State.

(4) The persons who may be specified in an order under subsection (3)(e) include any person who carries out functions conferred by or under an enactment that fall to be carried out on behalf of the Crown.

(5) The power of the Secretary of State to make an order specifying a person as a person on whom a requirement may be imposed under this section includes power to provide—
- (a) that his duty to provide the information that he is required to provide is owed to the person imposing it; and
- (b) that the duty is enforceable in civil proceedings—
  - (i) for an injunction;
  - (ii) for specific performance of a statutory duty under section 45 of the Court of Session Act 1988 (c. 36); or
  - (iii) for any other appropriate remedy or relief.

(6) The Secretary of State may, in such cases (if any) as he thinks fit, make payments to a person providing information in accordance with this section in respect of the provision of the information.

(7) The Secretary of State must not make an order containing (with or without other provision) any provision that he is authorised to make by this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House.

VALID FROM 20/10/2009

39 Amendments of legislation relating to passports

(1) In sections 14E, 19, 21B and 21C of the Football Spectators Act 1989 (c. 37) (enforcement of banning orders etc.), for "passport", wherever occurring, substitute " travel authorisation ".

(2) In section 22A(1) of that Act (interpretation), after the definition of "prescribed" insert—

> "'travel authorisation', in relation to a person, means one or both of the following—
>
> (a) any UK passport (within the meaning of the Immigration Act 1971) that has been issued to him;
>
> (b) any ID card issued to him under the Identity Cards Act 2006 which records that he is a British citizen."

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(3) In sections 33, 35 and 36 of the Criminal Justice and Police Act 2001 (c. 16) (travel restriction orders), for "passport", wherever occurring, substitute " travel authorisation ".

(4) For section 33(8) of that Act substitute—

"(8) In this section 'UK travel authorisation', in relation to a person, means one or both of the following—

(a) any UK passport (within the meaning of the Immigration Act 1971) that has been issued to him;

(b) any ID card issued to him under the Identity Cards Act 2006 which records that he is a British citizen."

(5) The Secretary of State may by order modify—

(a) any enactment (including an enactment amended by this section), or

(b) a provision of any subordinate legislation,

for the purpose of including a reference to an ID card, or to an ID card of a description not already mentioned in that enactment or provision, in any reference (however worded) to a passport.

(6) The Secretary of State must not make an order containing (with or without other provision) any provision that he is authorised to make by this section for modifying an enactment unless a draft of the order has been laid before Parliament and approved by a resolution of each House.

(7) A statutory instrument containing an order which—

(a) contains provisions that the Secretary of State is authorised to make by this section, and

(b) is not an order a draft of which is required to have been laid before Parliament and approved by a resolution of each House,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Supplemental

40 Orders and regulations

(1) Every power conferred by this Act on the Secretary of State or the National Assembly for Wales to make an order or regulations is a power exercisable by statutory instrument.

(2) The following powers are powers exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12))—

(a) the power of a Northern Ireland department to make regulations under section 13; and

(b) the power of the Office of the First Minister and deputy First Minister to make an order under section 14(1)(b) designating a Northern Ireland department for the purposes of the power to make such regulations.

(3) A statutory instrument containing regulations which—

(a) contain provisions that the Secretary of State is authorised to make by this Act, and

(b) are not regulations a draft of which is required to have been laid before Parliament and approved by a resolution of each House,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Every power conferred by this Act on a person to make an order or regulations (other than the power of the Secretary of State to make an order under section 44(3)) includes power—

(a) to make different provision for different cases;

(b) to make provision subject to such exemptions and exceptions as that person thinks fit; and

(c) to make such incidental, supplemental, consequential and transitional provision as that person thinks fit.

(5) The power under subsection (4) to make incidental, supplemental and consequential provision in connection with so much of any order or regulations as authorises or requires anything to be done by or in relation to an individual under the age of 16 includes power to provide—

(a) for the designation of a person to act on that individual's behalf for the purposes of this Act;

(b) for that individual's obligations and liabilities by virtue of this Act to fall, in the manner and to the extent specified, on the person designated; and

(c) for section 10 to have effect (even where that individual is not issued with an ID card) as if obligations arising under that section where an ID card has been issued fell to be discharged in relation to that individual by the person designated.

(6) The power of the Secretary of State under subsection (4) to make supplemental and consequential provision in connection with a modification of Schedule 1 made by an order under section 3(6) includes power—

(a) to make modifications of any reference in this Act to a paragraph of that Schedule; and

(b) in connection with that modification, to amend section 12(2) and (3) in such manner as he thinks fit.

(7) Any power to make provision by regulations under this Act for the approval of a person or of apparatus includes power to provide—

(a) for the grant of an approval subject to prescribed conditions;

(b) for the modification of such conditions in the prescribed manner; and

(c) for the suspension or withdrawal of an approval.

VALID FROM 20/10/2009

41 Expenses of Secretary of State

There shall be paid out of money provided by Parliament—

(a) any sums authorised or required to be paid by the Secretary of State for or in connection with the carrying out of his functions under this Act; and

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(b) any increase attributable to this Act in the sums which are payable out of money so provided under any other Act.

42 General interpretation

(1) In this Act—

"apparatus" includes any equipment, machinery or device and any wire or cable, together with any software used with it;

"biometric information", in relation to an individual, means data about his external characteristics, including, in particular, the features of an iris or of any other part of the eye;

"card" includes a document or other article, or a combination of a document and an article, in or on which information is or may be recorded;

"the Commissioner" means the National Identity Scheme Commissioner appointed under section 22;

"confirm", in relation to the contents of an individual's entry in the Register, is to be construed in accordance with subsection (4);

"contravention" includes a failure to comply, and cognate expressions are to be construed accordingly;

"crime" means a crime within the meaning of the Regulation of Investigatory Powers Act 2000 (c. 23) (see section 81(2) of that Act);

"designated document" means a document of a description designated for the purposes of this Act by an order under section 4;

"designated documents authority" means a person with the power or duty to issue a designated document;

"detection", in relation to crime or serious crime, is to be construed in accordance with subsection (9);

"document" includes a stamp or label;

"enactment" includes—

(a) a provision of Northern Ireland legislation; and34

(b) enactments passed or made after the passing of this Act;

"false", in relation to information, includes containing any inaccuracy or omission that results in a tendency to mislead (and is to be construed subject to section 3(5));

"fingerprint", in relation to an individual, means a record (in any form and produced by any method) of the skin pattern and other physical characteristics or features of any of his fingers;

"ID card" is to be construed in accordance with section 6(1);

"information" includes documents and records;

"issue", in relation to a document or card, and cognate expressions are to be construed in accordance with subsection (5);

"modification" includes omission, addition or alteration, and cognate expressions are to be construed accordingly;

"necessary in the public interest" is to be construed in accordance with section 1(4);

"place of residence" and "resides" and cognate expressions are to be construed subject to any regulations under subsection (10);

"prescribed" means prescribed by regulations made by the Secretary of State;

"public authority" has the same meaning as in section 6 of the Human Rights Act 1998 (c. 42);

"public service" is to be construed in accordance with subsection (2);

"the Register" means the National Identity Register established and maintained under section 1;

"registrable fact" has the meaning given by section 1(5) and (6);

"serious crime" means crime that is serious crime within the meaning of the Regulation of Investigatory Powers Act 2000 (c. 23) (see section 81(2) and (3) of that Act);

"statutory purposes" means the purposes specified in section 1(3);

"subject to compulsory registration" means required to be entered in the Register in accordance with an obligation imposed by an Act of Parliament passed after the passing of this Act;

"subordinate legislation" has the same meaning as in the Interpretation Act 1978 (c. 30).

(2) References in this Act to the provision of a public service are references to—

(a) the provision of any service to an individual by a public authority;

(b) the exercise or performance in relation to an individual of any power or duty of a Minister of the Crown, the Treasury or a Northern Ireland department;

(c) the doing by any other person of anything in relation to an individual which that other person is authorised or required to do for purposes connected with the carrying out of any function conferred by or under an enactment;

(d) the provision of any service to an individual under arrangements made (directly or indirectly) between the person providing the service and a public authority who, for purposes connected with the carrying out of a function so conferred on that authority, bears the whole or a part of the expense of providing the service to that individual; or

(e) the acceptance or acknowledgment of the conduct of an individual as compliance by that individual with a requirement imposed on him by or under an enactment, or the receipt of any notification or information provided by an individual for the purpose of complying with such a requirement.

(3) References in this Act to an application for the provision of a public service include references to any claim, request or requirement for the provision of the service.

(4) References in this Act to an individual confirming the contents of his entry in the Register are references to his confirming that entry to the extent only that it consists of information falling within paragraphs 1 to 5 of Schedule 1 or section 3(3).

(5) References in this Act to the issue of a document or card include references to its renewal, replacement or re-issue (with or without modifications).

(6) References in this Act to a designated document being issued together with an ID card include references to the ID card and the designated document being comprised in the same card.

(7) References in this Act to providing a person with information recorded in an individual's entry in the Register include references to confirming or otherwise disclosing to him—

Status: *Point in time view as at 07/06/2006. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Identity Cards Act 2006 (repealed). (See end of Document for details)*

(a) that the information is recorded in that entry; or
(b) that particular information is not recorded in that entry.

(8) References in this Act to information recorded in an individual's entry in the Register include references to a password or code generated by a method so recorded.

(9) Section 81(5) of the Regulation of Investigatory Powers Act 2000 (c. 23) (which defines detection) applies for the purposes of this Act as it applies for the purposes of the provisions of that Act that are not in Chapter 1 of Part 1 of that Act.

(10) The Secretary of State may by regulations make provision for the purposes of this Act as to the circumstances in which a place is to be regarded, in relation to an individual—
(a) as a place where he resides; or
(b) as his principal place of residence in the United Kingdom.

Commencement Information

I5 S. 42 wholly in force at 20.10.2009; s. 42 not in force at Royal Assent see s. 44(3), s. 42 in force for certain purposes at 7.6.2006 by S.I. 2006/1439, **art. 2(f)**; s. 42 in force for certain further purposes at 1.10.2009 by S.I. 2009/2303, **art. 2(d)**; s. 42 in force so far as not already in force at 20.10.2009 by S.I. 2009/2565, **art. 2(7)(ff)**

VALID FROM 20/10/2009

43 Scotland

(1) The use in or as regards Scotland of the Register or of a card issued in accordance with this Act is authorised, and is capable of being authorised, only—
(a) in relation to a matter, or for purposes, outside the legislative competence of the Scottish Parliament; or
(b) in accordance with an Act of that Parliament.

(2) Regulations under section 13 may not allow or require the imposition of a condition in or as regards Scotland on the provision of a public service except where the provision of that service is outside the legislative competence of the Scottish Parliament.

(3) Nothing in this section restricts—
(a) the effect of any provision of this Act authorising information recorded in the Register to be provided to a person;
(b) any power under this Act to make provision authorising such information to be provided to a person; or
(c) any power under this Act to make provision (including provision about the use of ID cards) for purposes connected with the authorisation by virtue of this Act of the provision of such information to a person.

44 Short title, repeals, commencement, transitory provision and extent

(1) This Act may be cited as the Identity Cards Act 2006.

(2) The enactments in Schedule 2 are repealed to the extent shown in the second column of that Schedule.

(3) This Act (apart from this section and sections 36 and 38) shall come into force on such day as the Secretary of State may by order appoint; and different days may be appointed for different purposes.

(4) The power to bring provisions of this Act into force on different days for different purposes includes power—

(a) to bring provisions into force on different days in relation to different areas or descriptions of persons;

(b) to bring provisions into force in relation to a specified area or a specified description of persons for the purpose of conducting a trial of the arrangements under which the provisions will have effect when brought into force in relation to other areas or descriptions of persons; and

(c) power to make transitional provision in connection with the bringing into force of any provision of this Act following the conduct of such a trial.

(5) Sections 36 and 38 come into force at the end of the period of two months beginning with the day on which this Act is passed.

(6) Her Majesty may by Order in Council provide for provisions of this Act to extend with such modifications (if any) as She thinks fit to any of the Channel Islands or to the Isle of Man.

(7) Section 40(4) applies to the power of Her Majesty in Council to make an Order in Council under subsection (6) as it applies to the power of any other person to make an order under this Act.

(8) This Act extends to Northern Ireland.

Subordinate Legislation Made

P1 S. 44(3) power partly exercised: 7.6.2006 appointed for specified provisions by {S.I. 2006/1439}, art. 2; 30.9.2006 appointed for further specified provisions by {S.I. 2006/2602}, art. 2; 1.10.2009 appointed for further specified provisions and purposes by {S.I. 2009/2303}, art. 2; various dates appointed for further specified provisions and purposes by {S.I. 2009/2565}, art. 2; 30.11.2009 appointed for further specified provisions and purposes by {S.I. 2009/3032}, art. 2; 4.1.2010 appointed for further specified provisions and purposes by {S.I. 2009/3032}, art. 2

Status: *Point in time view as at 07/06/2006. This version of this Act contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Identity Cards Act 2006 (repealed). (See end of Document for details)*

SCHEDULES

VALID FROM 20/10/2009

SCHEDULE 1

Section 3

INFORMATION THAT MAY BE RECORDED IN REGISTER

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SCHEDULE 2

Section 44

REPEALS

Commencement Information

I6 Sch. 2 wholly in force at Royal Assent; Sch. 2 wholly in force at Royal Assent see s. 44(2)(3); Sch. 2 expressed to be commenced at 7.6.2006 by S.I. 2006/1439, **art. 2(e)**

Short title and chapter	***Extent of repeal***
Forgery and Counterfeiting Act 1981 (c. 45)	In section 5— (a) subsection (5)(f) and (fa); and (b) subsections (9) to (11).
Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19)	Section 3. In section 14(2), the word “and” at the end of paragraph (o).

Status:
Point in time view as at 07/06/2006. This version of this Act contains provisions that are not valid for this point in time.

Changes to legislation:
There are currently no known outstanding effects for the Identity Cards Act 2006 (repealed).