



Identity Cards Act 2006

2006 CHAPTER 15

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.

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.”
- (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.