

IDENTITY CARDS ACT 2006

EXPLANATORY NOTES

SUMMARY AND BACKGROUND

3. In July 2002, the Government launched a consultation on Entitlement Cards and Identity Fraud (Cm 5557). The consultation period lasted until 31st January 2003. A summary of findings from the consultation exercise was published on 11th November 2003, *Identity Cards: a Summary of Findings from the Consultation on Entitlement Cards and Identity Fraud* (Cm 6019). A detailed response by the Government to the Consultation Points was placed on the Home Office website.
4. At the same time as publication of the findings, the Government announced its decision to build a base for a compulsory national ID cards scheme. *Identity Cards: the next steps* (Cm 6020) set out in more detail how the Government would proceed. A draft Identity Cards Bill was published on 26th April 2004 (Cm 6178). This gave effect to the Government's proposals for the introduction of ID cards throughout the UK, as set out in *Identity Cards: the next steps*. Consultation on the draft legislation ended on 20th July 2004.
5. In parallel, the Home Affairs Select Committee carried out an inquiry on all aspects of ID cards, including the pre-legislative scrutiny of the draft Bill. The Committee reported on 30th July 2004 (HC130). The Government published its reply to the Report (Cm 6359) and a Summary of Findings from the Consultation on Legislation on Identity Cards (Cm 6358) on 27th October 2004.
6. In November 2004 the first Identity Cards Bill was introduced into the House of Commons. The Bill had reached its second reading in the House of Lords when Parliament was dissolved, on 11th April 2005, for the General Election and the Bill fell. The second Bill, which resulted in the Act, was very similar to the initial Bill.
7. The Act provides the legal framework required to establish a National Identity Register, and to issue ID cards to those on the Register. Its main features are:
 - setting out the statutory purposes of the National Identity Register;
 - setting up the National Identity Register;
 - establishing powers to issue ID cards;
 - establishing powers to designate existing documents
 - (i) as documents together with which ID card will be issued (for example British passports) or
 - (ii) as ID cards themselves;
 - ensuring biographical checks can be made against other databases to confirm an applicant's identity and guard against fraud;
 - setting out what information may be held and establishing safeguards to protect individuals' data;

*These notes refer to the Identity Cards Act 2006 (c.15)
which received Royal Assent on 30 March 2006*

- enabling public and private sector organisations to verify a person's identity with the person's consent before providing services;
 - defining the circumstances in which certain public authorities specified in the Act (such as the police), or to be prescribed in regulations (such as government departments), could be provided, without an individual's consent, with information held on that individual's entry on the Register;
 - providing for a National Identity Scheme Commissioner to have oversight of the scheme and to report to the Secretary of State and for these reports to be laid before Parliament;
 - creating new criminal offences relating to misuse of ID cards and other identity fraud issues;
 - including powers to link future access to specified public services to production of an ID card and or a check on the Register.
8. In addition, the Act includes provisions relating to passports:
- to amend the [Consular Fees Act 1980 \(c.23\)](#) in order to create a general power which will allow cross subsidisation of fees for different types of passports and passport services. This will provide a statutory basis, for example, to the issue of free passports which has already been introduced for those born on or before 2 September 1929 to be subsidised by charges made for other passports;
 - to ensure biographical checks can be made by the Secretary of State (to be exercised by the Identity and Passport Service) for the purpose of verifying information supplied by applicants for British passports.