

IDENTITY CARDS ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Provisions relating to passports

Section 38: Verifying information provided with passport applications etc.

201. This section contains the provisions necessary to permit data to be shared for the purpose of verifying information provided in relation to an application for a passport or the withdrawal of a passport. It mirrors the provision in respect of ID cards made in section 9.
202. *Subsections (1) and (2)* place a duty on a person to provide information to the Secretary of State for the purposes of verifying information related to an application for a passport and/or a decision to withdraw an individual's passport.
203. *Subsection (2)* also enables the information to be required within a specified timescale.
204. *Subsection (3)* sets out that the requirement may be imposed on a Minister, government department, Northern Ireland department, National Assembly for Wales or any person specified for the purposes in an order made by the Secretary of State.
205. *Subsection (4)* clarifies that the persons who may be specified in an order include anyone carrying out statutory functions that are carried out on behalf of the Crown.
206. *Subsection (5)* provides that orders under this section may specify that the duty on the individual to provide the information may be enforced via civil court proceedings. In the case of public authorities, normal public law remedies such as judicial review will apply.
207. *Subsection (6)* enables the Secretary of State to pay those from whom he is requiring information.
208. The order making provision to require information from any person not specified in *subsection (3)* is subject to the affirmative resolution procedure (*subsection (7)*). This section comes into force 2 months after Royal Assent (section 44(5)).