

## **IDENTITY CARDS ACT 2006**

---

### **EXPLANATORY NOTES**

#### **COMMENTARY ON SECTIONS**

##### *ID cards*

##### *Section 11: Invalidity and surrender of ID cards*

78. This section covers invalidity and surrender of ID cards.
79. *Subsection (1)* provides that regulations can impose a requirement that an individual who knows or has reason to suspect the fact that his ID card has been lost, stolen, damaged, destroyed or tampered with, must report this to the Secretary of State or other person as prescribed. If a card was issued based on inaccurate information, requires modification or has been lost, stolen, damaged, destroyed or tampered with, or is of a particular sub-set of cards (for example where security has been compromised), or if the holder of the card's entry has been modified, then the card may be cancelled (*subsection (2)*). "Damaged" includes becoming unreadable or unusable and "tampered with" includes references to information in or on the card having been modified or copied for an unlawful purpose (*subsection (7)*).
80. *Subsection (3)* provides that if a person is in possession of an ID card which does not belong to him, without the authority of the individual to whom the card was issued or permission from the Secretary of State, he must surrender it as soon as practicable.
81. The Secretary of State may require a person to surrender an ID card that is not his, is invalid, is of a sub-set of cards the Secretary of State has determined should be re-issued, or where an individual is in the possession of an ID card in contravention of a requirement under an enactment to surrender it or another document. It may be necessary for example, when renewing an ID card to surrender the old card at the time of re-application. Sub-sets of cards may also need to be surrendered, for example, where the security has been compromised. The card must be surrendered within such period as the Secretary of State may specify (*subsection (4)*).
82. Failure to surrender in these circumstances would make an individual liable to a civil penalty not exceeding £1,000 (*subsection 6*).