



# Identity Cards Act 2006

## 2006 CHAPTER 15

### *Required identity checks*

#### **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.
- (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.

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*Status: This is the original version (as it was originally enacted).*

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- (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.