



Identity Documents Act 2010

2010 CHAPTER 40

False identity documents etc

4 Possession of false identity documents etc with improper intention

- (1) It is an offence for a person (“P”) with an improper intention to have in P’s possession or under P’s control—
 - (a) an identity document that is false and that P knows or believes to be false,
 - (b) an identity document that was improperly obtained and that P knows or believes to have been improperly obtained, or
 - (c) an identity document that relates to someone else.
- (2) Each of the following is an improper intention—
 - (a) the intention of using the document for establishing personal information about P;
 - (b) the intention of allowing or inducing another to use it for establishing, ascertaining or verifying personal information about P or anyone else.
- (3) In subsection (2)(b) the reference to P or anyone else does not include, in the case of a document within subsection (1)(c), the individual to whom it relates.
- (4) A person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for a term not exceeding 10 years or a fine (or both).

5 Apparatus designed or adapted for the making of false identity documents etc

- (1) It is an offence for a person (“P”) with the prohibited intention to make or to have in P’s possession or under P’s control—
 - (a) any apparatus which, to P’s knowledge, is or has been specially designed or adapted for the making of false identity documents, or
 - (b) any article or material which, to P’s knowledge, is or has been specially designed or adapted to be used in the making of such documents.
- (2) The prohibited intention is the intention—

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- (a) that P or another will make a false identity document, and
 - (b) that the document will be used by somebody for establishing, ascertaining or verifying personal information about a person.
- (3) A person guilty of an offence under this section is liable, on conviction on indictment, to imprisonment for a term not exceeding 10 years or a fine (or both).

6 Possession of false identity documents etc without reasonable excuse

- (1) It is an offence for a person (“P”), without reasonable excuse, to have in P’s possession or under P’s control—
- (a) an identity document that is false,
 - (b) an identity document that was improperly obtained,
 - (c) an identity document that relates to someone else,
 - (d) any apparatus which, to P’s knowledge, is or has been specially designed or adapted for the making of false identity documents, or
 - (e) any article or material which, to P’s knowledge, is or has been specially designed or adapted to be used in the making of such documents.
- (2) A person guilty of an offence under this section is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both), or
 - (b) on summary conviction, to imprisonment for a term not exceeding the maximum period or a fine not exceeding the statutory maximum (or both).
- (3) In subsection (2)(b) “the maximum period” means—
- (a) in ^{F1}... Scotland, 12 months, and
 - (b) in Northern Ireland, 6 months.
- [^{F2}(c) in England and Wales, the general limit in a magistrates’ court.]
- (4) In subsection [^{F3}(3)(c)] the reference to [^{F4}the general limit in a magistrates’ court] in England and Wales is to be read, in relation to an offence committed before [^{F5}2 May 2022], as a reference to 6 months.

Textual Amendments

- F1** Words in s. 6(3)(a) omitted (7.2.2023 at 12.00 p.m.) by virtue of The Judicial Review and Courts Act 2022 (Magistrates’ Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), **23(2)**
- F2** S. 6(3)(c) inserted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates’ Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), **23(3)**
- F3** Word in s. 6(4) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates’ Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), **23(4)**
- F4** Words in s. 6(4) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates’ Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**
- F5** Words in s. 6(4) substituted (28.4.2022) by The Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022 (S.I. 2022/500), regs. 1(2), 5(1), **Sch. Pt. 1**

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7 Meaning of “identity document”

- (1) For the purposes of sections 4 to 6 “identity document” means any document that is or purports to be—
- (a) an immigration document,
 - (b) a United Kingdom passport (within the meaning of the Immigration Act 1971),
 - (c) a passport issued by or on behalf of the authorities of a country or territory outside the United Kingdom or by or on behalf of an international organisation,
 - (d) a document that can be used (in some or all circumstances) instead of a passport,
 - (e) a licence to drive a motor vehicle granted under Part 3 of the Road Traffic 1988 or under Part 2 of the Road Traffic (Northern Ireland) Order 1981, or
 - (f) a driving licence issued by or on behalf of the authorities of a country or territory outside the United Kingdom.
- (2) In subsection (1)(a) “immigration document” means—
- [^{F6}(a) a document used for confirming—
 - (i) the right of a person at a time before IP completion day under the EU Treaties in respect of entry or residence in the United Kingdom, or
 - (ii) the right of a person under the Immigration (European Economic Area) Regulations 2016 (as they continue to have effect by virtue of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020) in respect of entry or residence in the United Kingdom,]
 - (b) a document that is given in exercise of immigration functions and records information about leave granted to a person to enter or to remain in the United Kingdom, or
 - (c) a registration card (within the meaning of section 26A of the Immigration Act 1971).
- [^{F7}(2A) In subsection 2(a)(i) “EU Treaties” includes a reference to those Treaties so far as applicable to and in the United Kingdom by virtue of Part 4 of the EU withdrawal agreement.]
- (3) In subsection (2)(b) “immigration functions” means functions under the Immigration Acts (within the meaning of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004).
- (4) References in subsection (1) to the issue of a document include its renewal, replacement or re-issue (with or without modifications).
- (5) In this section “document” includes a stamp or label.
- (6) The Secretary of State may by order amend the definition of “identity document”.

Textual Amendments

- F6** S. 7(2)(a) substituted (31.12.2020) by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2), **19(2)(a)**

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F7 S. 7(2A) inserted (31.12.2020) by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2), **19(2)(b)**

8 Meaning of “personal information”

- (1) For the purposes of sections 4 and 5 “personal information”, in relation to an individual (“A”), means—
- (a) A's full name,
 - (b) other names by which A is or has previously been known,
 - (c) A's gender,
 - (d) A's date and place of birth,
 - (e) external characteristics of A that are capable of being used for identifying A,
 - (f) the address of A's principal place of residence in the United Kingdom,
 - (g) the address of every other place in the United Kingdom or elsewhere where A has a place of residence,
 - (h) where in the United Kingdom and elsewhere A has previously been resident,
 - (i) the times at which A was resident at different places in the United Kingdom or elsewhere,
 - (j) A's current residential status,
 - (k) residential statuses previously held by A, and
 - (l) information about numbers allocated to A for identification purposes and about the documents (including stamps or labels) to which they relate.
- (2) In subsection (1) “residential status” means—
- (a) A's nationality,
 - (b) A's entitlement to remain in the United Kingdom, and
 - (c) if that entitlement derives from a grant of leave to enter or remain in the United Kingdom, the terms and conditions of that leave.

9 Other definitions

- (1) “Apparatus” includes any equipment, machinery or device and any wire or cable, together with any software used with it.
- (2) In relation to England and Wales and Northern Ireland, an identity document is “false” only if it is false within the meaning of Part 1 of the Forgery and Counterfeiting Act 1981 (see section 9(1)).
- (3) An identity document was “improperly obtained” if—
- (a) false information was provided in, or in connection with, the application for its issue to the person who issued it, or
 - (b) false information was provided in, or in connection with, an application for its modification to a person entitled to modify it.
- (4) In subsection (3)—
- (a) “false” information includes information containing any inaccuracy or omission that results in a tendency to mislead,
 - (b) “information” includes documents (including stamps and labels) and records, and

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- (c) the “issue” of a document includes its renewal, replacement or re-issue (with or without modifications).
- (5) References to the making of a false identity document include the modification of an identity document so that it becomes false.
- (6) This section applies for the purposes of sections 4 to 6.

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