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STATUTORY INSTRUMENTS

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**2009 No. 2571**

**IDENTITY CARDS**

**The Identity Cards Act 2006 (Civil Penalties) Regulations 2009**

	<i>23rd September</i>
<i>Made</i> - - - -	<i>2009</i>
<i>Laid before Parliament</i>	<i>25th September 2009</i>
<i>Coming into force</i> - -	<i>20th October 2009</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 31(2), 32(2)(b), 32(5)(a), 40(4) and 42(1)(1) of the Identity Cards Act 2006(2).

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Identity Cards Act 2006 (Civil Penalties) Regulations 2009 and shall come into force on 20<sup>th</sup> October 2009.

(2) In these Regulations –

“the Identity and Passport Service” means the Secretary of State acting through the Identity and Passport Service;

“working day” means a day which is not a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971(3) in any part of the United Kingdom; and

“the 2006 Act” means the Identity Cards Act 2006.

**Service of notice**

2.—(1) A notice given under section 31(2) of the 2006 Act must be —

(a) sent by

(i) first class post,

(ii) prepaid registered post, or

(iii) recorded delivery service,

to the last known address of the defaulter;

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(1) See definition of “prescribed”.

(2) 2006 c. 15.

(3) 1971 c. 80.

- (b) sent by facsimile to the last known number of the defaulter;
- (c) sent by electronic mail to the last known electronic mail address of the defaulter; or
- (d) delivered by hand to the last known address of the defaulter.

(2) A notice given in accordance with paragraph (1) shall be deemed to have been given to the defaulter –

- (a) in the case of a notice given in accordance with sub-paragraph (a), on the second day after the day on which it was sent;
- (b) in the case of a notice given in accordance with sub-paragraph (b) or (c), on the day on which it was sent; and
- (c) in the case of a notice given in accordance with sub-paragraph (d), on the day on which it was delivered.

### **Method of giving a notice of objection**

3.—(1) A notice of objection given under section 32(2) of the 2006 Act must be —

- (a) sent by –
  - (i) first class post,
  - (ii) prepaid registered post, or
  - (iii) recorded delivery service,to the address specified in the notice given under section 31(2) of the 2006 Act;
- (b) sent by facsimile to the number specified in the notice given under section 31(2) of the 2006 Act; or
- (c) sent by electronic mail to the electronic mail address specified in the notice given under section 31(2) of the 2006 Act.

(2) A notice referred to in paragraph (1) must be on form made available for the purpose by the Identity and Passport Service.

4. The period prescribed for the purposes of giving a notice of objection under section 32(2) of the 2006 Act is a period of thirty working days beginning with the day on which the notice under section 31(2) of the 2006 Act was given to the defaulter.

### **Notification of outcome of consideration of objection**

5.—(1) A notification given under section 32(5) of the 2006 Act must be

- (a) sent by –
  - (i) first class post,
  - (ii) prepaid registered post, or
  - (iii) recorded delivery service,to the last known address of the defaulter;
- (b) sent by facsimile to the last known number of the defaulter;
- (c) sent by electronic mail to the last known electronic mail address of the defaulter; or
- (d) delivered by hand to the last known address of the defaulter.

(2) A notification given in accordance with paragraph (1) shall be deemed to have been given to the defaulter –

- (a) in the case of a notification given in accordance with sub-paragraph (a), on the second day after the day on which it was sent;

(b) in the case of a notification given in accordance with sub-paragraph (b) or (c), on the day on which it was sent; and

(c) in the case of a notification given in accordance with sub-paragraph (d), on the day on which it was delivered.

(3) The period prescribed for the purposes of giving a notification under section 32(5) of the 2006 Act is a period of thirty working days beginning with the day on which the notice of objection was received.

Home Office  
23rd September 2009

*Bill Brett*  
Parliamentary Under-Secretary of State

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make provision for procedural requirements in relation to civil penalties that may be imposed under section 31 of the Identity Cards Act 2006 (“the 2006 Act”).

Regulation 2 prescribes the manner of service of a notice under section 31(2) of the 2006 Act, being a notice which imposes a penalty.

Regulation 3 prescribes the manner of service of a notice of objection under section 32(2) of the 2006 Act. Regulation 4 prescribes the period within which a notice of objection must be given.

Regulation 5 prescribes the manner of service of a notification of the outcome of a consideration of an objection by the Secretary of State under section 32(5) of the Act and the period within which such notification must be given.