
STATUTORY INSTRUMENTS

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 20th 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;

(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.

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.