



# Identity Cards Act 2006

## 2006 CHAPTER 15

*Maintaining accuracy of Register etc.*

### **9 Power to require information for validating Register**

- (1) Where it appears to the Secretary of State that a person on whom a requirement may be imposed under this section may have information in his possession which could be used for verifying—
  - (a) something recorded in the Register about an individual,
  - (b) something provided to the Secretary of State or a designated documents authority for the purpose of being recorded in an individual's entry in the Register, or
  - (c) something otherwise available to the Secretary of State to be recorded about an individual in the Register,the Secretary of State may require that person to provide him with the information.
- (2) Where it appears to a designated documents authority that a person on whom a requirement may be imposed under this section may have information in his possession which could be used for verifying—
  - (a) something that is recorded in the Register about an individual who has applied to the authority for the issue or modification of a designated document or of an ID card, or
  - (b) something that has been provided to that authority for the purpose of being recorded in the entry of such an individual in the Register,the authority may require that person to provide it with the information.
- (3) It shall be the duty of a person who—
  - (a) is required to provide information under this section, and
  - (b) has the information in his possession,to comply with the requirement within whatever period is specified in the requirement.
- (4) A requirement may be imposed under this section on any person specified for the purposes of this section in an order made by the Secretary of State.

- (5) The persons who may be specified in such an order include—
- (a) Ministers of the Crown;
  - (b) government departments;
  - (c) a Northern Ireland department;
  - (d) the National Assembly for Wales;
  - (e) any other person who carries out functions conferred by or under an enactment that fall to be carried out on behalf of the Crown.
- (6) The power of the Secretary of State to make an order specifying a person as a person on whom a requirement may be imposed under this section includes power to provide—
- (a) that his duty to provide the information that he is required to provide is owed to the person imposing it; and
  - (b) that the duty is enforceable in civil proceedings—
    - (i) for an injunction;
    - (ii) for specific performance of a statutory duty under section 45 of the Court of Session Act 1988 (c. 36); or
    - (iii) for any other appropriate remedy or relief.
- (7) The Secretary of State may, in such cases (if any) as he thinks fit, make payments to a person providing information in accordance with this section in respect of the provision of the information.
- (8) The Secretary of State must not make an order containing (with or without other provision) any provision that he is authorised to make by this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House.

## **10 Notification of changes affecting accuracy of Register**

- (1) An individual to whom an ID card has been issued must notify the Secretary of State about—
- (a) every prescribed change of circumstances affecting the information recorded about him in the Register; and
  - (b) every error in that information of which he is aware.
- (2) A notification for the purposes of this section must be given—
- (a) in the prescribed manner; and
  - (b) within the prescribed period after the change of circumstances occurs or the individual in question becomes aware of the error.
- (3) Where an individual has given a notification for the purposes of this section, the Secretary of State may require him to do such one or more of the things falling within subsection (4) as the Secretary of State thinks fit for the purpose of—
- (a) verifying the information that may be entered in the Register about that individual in consequence of the notified change or for the purpose of correcting the error; or
  - (b) otherwise ensuring that there is a complete, up-to-date and accurate entry about that individual in the Register.
- (4) The things that an individual may be required to do under subsection (3) are—
- (a) to attend at an agreed place and time or (in the absence of agreement) at a specified place and time;

- (b) to allow his fingerprints, and other biometric information about himself, to be taken and recorded;
  - (c) to allow himself to be photographed;
  - (d) otherwise to provide such information as may be required by the Secretary of State.
- (5) Regulations under this section must not require an individual to provide information to another person unless it is information required by the Secretary of State for the statutory purposes.
- (6) The power of the Secretary of State to make regulations containing (with or without other provision) any provision that he is authorised to make by this section is exercisable, on the first occasion on which regulations are made under this section, only if a draft of the regulations has been laid before Parliament and approved by a resolution of each House.
- (7) An individual who contravenes a requirement imposed on him by or under this section shall be liable to a civil penalty not exceeding £1,000.

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

- (1) Regulations may require an individual to whom an ID card has been issued to notify the Secretary of State, and such other persons as may be prescribed, if he knows or has reason to suspect that the card has been—
- (a) lost;
  - (b) stolen;
  - (c) damaged;
  - (d) tampered with; or
  - (e) destroyed.
- (2) The Secretary of State may cancel an ID card if it appears to him—
- (a) that the card was issued in reliance on inaccurate or incomplete information;
  - (b) that the card has been lost, stolen, damaged, tampered with or destroyed;
  - (c) that there has been a modification of information recorded in the entry in the Register of the holder of the card;
  - (d) that another change of circumstances requires a modification of information recorded in or on the card; or
  - (e) that it is an ID card of a description of cards that the Secretary of State has decided should be re-issued.
- (3) A person who is knowingly in possession of an ID card without either—
- (a) the lawful authority of the individual to whom it was issued, or
  - (b) the permission of the Secretary of State,
- must surrender the card as soon as it is practicable to do so.
- (4) Where it appears to the Secretary of State that a person is in possession of—
- (a) an ID card issued to another,
  - (b) an ID card that has expired or been cancelled or is otherwise invalid,
  - (c) an ID card that has not yet been cancelled but is of a description of cards that the Secretary of State has decided should be re-issued, or

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

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- (d) an ID card that is in that person's possession in consequence of a contravention of a relevant requirement,  
the Secretary of State may require that person to surrender the card within such period as he may specify.
- (5) Where an ID card has to be surrendered under subsection (3) or (4), it must be surrendered—
- (a) to the Secretary of State; or
  - (b) in the case of a card issued by a designated documents authority, either to the Secretary of State or to that authority.
- (6) A person who contravenes a requirement imposed by or under—
- (a) any regulations under subsection (1), or
  - (b) subsection (3) or (4),
- shall be liable to a civil penalty not exceeding £1,000.
- (7) In this section—
- (a) references to a card having been damaged include references to anything in or on it being, or having become, unreadable or otherwise unusable; and
  - (b) references to a card having been tampered with include references to information in or on it having been modified for an unlawful purpose, or copied or otherwise extracted for such a purpose.
- (8) In this section “relevant requirement” means a requirement to surrender or otherwise to deliver an ID card to the Secretary of State, or to another, which is imposed—
- (a) by virtue of any order under section 39, or
  - (b) by any enactment relating to the surrender of any other document.