

## **IDENTITY CARDS ACT 2006**

---

### **EXPLANATORY NOTES**

#### **COMMENTARY ON SECTIONS**

##### ***Registration***

##### ***Section 2: Individuals entered in Register***

22. This section sets out who may be entered on to the Register and the Secretary of State's duty to make arrangements to enable these entries to be made.
23. *Subsection (2)* sets out the individuals who are entitled to be entered on the Register. These include individuals who have attained the age of 16 and are residing in the UK. They also include individuals of a description prescribed in regulations made by the Secretary of State who have resided in the UK, or who are proposing to enter the UK. This is to allow flexibility because although the ID card will be for all UK residents, it may be in the future that the Government would want, through regulations, to allow, for example, British citizens resident overseas to register before returning to live in the UK.
24. *Subsection (3)* gives the Secretary of State power, by regulations, to exclude individuals from the entitlement to be entered on the Register if they do not meet prescribed requirements in relation to time of residence in the UK (intended to be 3 months) or if they are residing despite having no entitlement to remain (for example, individuals who are seeking asylum in the UK).
25. In general, an entry on the Register must be made if an application is made and the person is entitled to be entered (*subsection (1)*).
26. *Subsection (4)* provides that in some circumstances, a person who has not applied or is not entitled may be entered into the Register for reasons consistent with the statutory purposes. For example, this power would allow the entry on to the Register of a failed asylum seeker who had not applied for an ID card but whose information including biometric data was available. This means that if he applies to stay in the UK again using a different identity, his previous status as a failed asylum seeker will have been recorded. This subsection does not constitute a power to obtain the biometric data of a person in the first place.
27. *Subsection (5)* provides for every person registered on the National Register to be assigned a unique number, the National Identity Registration Number to be attached to the information recorded about an individual. The format of the National Identity Registration Number is to be specified in regulations. Other personal reference numbers, such as driver number or national insurance number, may also be recorded on the Register as provided for in Schedule 1, paragraph 4.
28. *Subsections (6) and (7)* provide that the Secretary of State may modify the age of entry on the Register by order subject to the affirmative resolution procedure, that is to say, requiring approval in both the House of Commons and the House of Lords.