

IDENTITY CARDS ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

ID cards

Section 6: Issue etc. of ID cards

47. This section sets out the procedure for issuing ID cards.
48. The ID cards scheme will involve the issuing of an ID card to every person registered as entitled to remain in the United Kingdom for longer than a specified period (intended to be 3 months). “ID cards” is defined under this section.
49. *Subsections (1) and (2)* explain that an ID card is a card which holds registrable facts as recorded on the National Identity Register and data enabling the card to be used for verifying information on the Register, for example, a personal identification number (“PIN”). An ID card may form part of a designated document (e.g. if a residence permit issued to a foreign national were designated). It can be a separate card issued together with a designated document (e.g. if the British passport is designated, a separate ID card would be issued alongside it, subject to the exception in Section 6 (7)). Section 42(6) provides that references to a designated document being issued together with an ID card include references to the two documents being comprised in the same card.
50. *Subsection (3)* provides for prescribed information to be recorded on an ID card and parts of it to be in an encrypted form. The exact specification and design of ID cards has yet to be determined, but when it is these will be set out in regulations. This subsection also provides that the ID card will have a limited validity. Different validity periods may be specified for different categories of person, for example, an elderly person’s ID card may remain valid for the rest of his life without the need for renewal, whereas a foreign national’s may be linked to the length of authorised stay. Subsection (3)(d) ensures that the card remains the property of the person, or authority, which issues it.
51. *Subsection (4)* requires that except in prescribed cases ID cards must be issued to individuals who are entitled to be, and whose personal information has been, entered on the Register. However, there are special cases where someone who is not required to be issued with an ID card may be issued with an ID card, providing registrable facts about him have been entered in to the Register (*subsection (5)*). For example, this may be used for individuals who are not entitled to be entered but who may in special circumstances be entered on the Register e.g. foreign nationals residing in the UK for less than 3 months or residing outside the UK but travelling regularly to work in the UK and who therefore may need proof of identity.
52. *Subsection (6)* provides that an ID card will be issued only once an application has been made and sufficient information has been provided for the individual to be entered on the Register or an existing entry is confirmed.
53. Under *subsection (7)* an application for a designated document must include an application for an ID card in the manner prescribed unless the application is being

*These notes refer to the Identity Cards Act 2006 (c.15)
which received Royal Assent on 30 March 2006*

made before 1st January 2010, is for a British passport and the application contains a declaration that the individual does not wish to be issued with an ID Card. Individuals applying for British passport can therefore choose to 'opt out' of being issued with an ID Card but only up until 1st January 2010. The 'opt out' does not apply to the Register. All individuals who apply for a passport will be required to be entered onto the Register once the passport becomes a designated document.

54. *Subsection (8)* ensures that any other application for an ID card must be in the prescribed manner, and should be made to the Secretary of State or in certain circumstances to a designated documents authority and with the prescribed information.
55. In the case of a designated documents authority, regulations may be made providing that an application for an ID card may be made separately from any application for the designated document. This allows a designated documents authority to issue a "standalone" ID card that is not part of and is not issued with a designated document.
56. Regulations specifying the information that may be recorded in or on an ID card or the form in which the information is to be recorded need the agreement of both Houses of Parliament via the affirmative resolution procedure (*subsection (9)*).
57. None of the provisions in this or any other section places any constraints on the type of organisations which may be involved in the issuing process. For example, private sector organisations may have certain parts of the process contracted out to them, such as actual production of the card.