

Draft Order laid before Parliament under section 4(4) of the Identity Cards Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2009 No.

IDENTITY CARDS

The Identity Cards Act 2006 (Designation) Order 2009

Made - - - - *******
Coming into force - - *******

The Secretary of State, in exercise of the powers conferred by sections 4(1) and 40(4) of the Identity Cards Act 2006 (1), makes the following Order.

In accordance with section 4(4) of that Act, a draft of this Order has been laid before and approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Identity Cards Act 2006 (Designation) Order 2009 and shall come into force on the day after the day on which it is made.

(2) In this Order –

“airside pass” means a pass allowing the person to whom it has been issued unaccompanied access to a restricted zone or to part of a restricted zone;

“person subject to immigration control” means a person who under the Immigration Act 1971(2) requires leave to enter or remain in the United Kingdom (whether or not such leave has been given); and

“restricted zone” means an area designated by the Secretary of State under section 11A of the Aviation Security Act 1982(3) (Designation of restricted zones).

Designation

2.—(1) The description of document specified in paragraph (2) is designated for the purposes of the Identity Cards Act 2006, subject to the exemptions set out in paragraph (3).

(1) 2006 c. 15.

(2) 1971 c.77.

(3) 1982 c. 36; section 11A was inserted by section 8(1) of and paragraph 3 of Schedule 1 to the Aviation and Maritime Security Act 1990 (c. 31).

(2) The specified description of document is a criminal conviction certificate issued under section 112 of the Police Act 1997⁽⁴⁾.

(3) The description of document specified in paragraph (2) is exempted in the following cases –

(a) where the document is applied for by a person other than a person who applies for that document in connection with a requirement to produce a criminal records certificate in order to obtain an airside pass; or

(b) where the document is applied for by a person who is subject to immigration control.

Home Office
Date

Name
Minister of State

(4) 1997 c. 50.

EXPLANATORY NOTE

(This note is not part of the Order)

Section 4(1) of the Identity Cards Act 2006 (“the 2006 Act”) provides a power to designate a document for the purposes of the Act. The effect of the designation is that, where an individual applies for a designated document, that individual must (a) apply at the same time to be entered in the National Identity Register, established under section 1 of the 2006 Act, or if there is already an entry in the Register in respect of that individual, confirm the contents of that entry and (b) apply for an ID card if the individual is not already the holder of such a card.

Article 2 of this Order designates a criminal conviction certificate issued under section 112 of the Police Act 1997 (c. 50) for the purposes of the 2006 Act, subject to exemptions set out in paragraph (3). The effect of these exemptions is that such a certificate will only be a designated document where it is applied for by a person in connection with a requirement to produce the certificate in order to obtain an airside pass and that person is not subject to immigration control.