

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends Schedule 1 to the Identity Cards Act 2006 (“the 2006 Act”) by inserting a new paragraph 6(ga) so as to enable the Secretary of State, in accordance with section 3 of the 2006 Act, to record in an individual’s entry in the Register particulars of persons who act as a referee in respect of an application for an ID card or a designated document.

It also revokes the Verification of Information in Passports Applications Etc. (Specified Persons) Order 2007, which was made under section 38 of the 2006 Act and specifies the persons listed (a) in Article 3 for the purposes of section 9 of the 2006 Act and (b) in Article 5 for the purposes of section 38 of that Act.

The effect of specifying persons under those sections is that a requirement to provide information may be imposed on those persons under those sections.

Sections 9(3) and 38(2) of the 2006 Act place a duty on a person who is required under those sections to provide information and who has the information in his possession to comply with the requirement. Article 6 provides that the duty is owed to the person imposing the requirement and Article 7 provides for the means of enforcement of the duty.

Section 17(3) of the 2006 Act authorises the provision of information not falling within paragraph 9 of Schedule 1 to that Act where the information is provided to a chief officer of police (a) in the interests of national security and (b) for purposes connected with the prevention or detection of crime. Article 8 specifies another purpose for which such information may be provided to a chief office of police, namely for purposes connected with identifying victims of an event which has caused loss of human life or human illness or injury.

Article 9 specifies for the purposes of section 20(1) of the 2006 Act (a) the Security Industry Authority, (b) the information which is listed in paragraph (3) and (c) purposes connected with the carrying out of that Authority’s functions under section 1(2)(a) to (d) of the Private Security Act 2001.

Article 9 also specifies for the purposes of section 20(1) of the 2006 Act (a) the Scottish Crime and Drug Enforcement Agency, (b) information, other than that which falls under paragraph 9 of Schedule 1 to the 2006 Act, which may be recorded in an individual’s entry in the Register and (c) purposes connected with the carrying out of that Agency’s functions under section 2(2) of the Police, Public Order and Criminal Justice (Scotland) Act 2006.

The effect of doing so is that in a case where there is no authorisation under any of sections 17 to 19 of the 2006 Act, the Secretary of State may nevertheless, without the individual’s consent, provide those public authorities with the specified information for the purposes specified in respect of that authority, provided there is compliance with any requirements imposed by or under section 21 of that Act in relation to the provision of the information.

Article 10 provides for the coming into force of the code of practice issued under section 34 of the 2006 Act.