



Identity Cards Act 2006

2006 CHAPTER 15

Offences

25 Possession of false identity documents etc.

- (1) It is an offence for a person with the requisite intention to have in his possession or under his control—
 - (a) an identity document that is false and that he knows or believes to be false;
 - (b) an identity document that was improperly obtained and that he knows or believes to have been improperly obtained; or
 - (c) an identity document that relates to someone else.
- (2) The requisite intention for the purposes of subsection (1) is—
 - (a) the intention of using the document for establishing registrable facts about himself; or
 - (b) the intention of allowing or inducing another to use it for establishing, ascertaining or verifying registrable facts about himself or about any other person (with the exception, in the case of a document within paragraph (c) of that subsection, of the individual to whom it relates).
- (3) It is an offence for a person with the requisite intention to make, or to have in his possession or under his control—
 - (a) any apparatus which, to his knowledge, is or has been specially designed or adapted for the making of false identity documents; or
 - (b) any article or material which, to his knowledge, is or has been specially designed or adapted to be used in the making of false identity documents.
- (4) The requisite intention for the purposes of subsection (3) is the intention—
 - (a) that he or another will make a false identity document; and
 - (b) that the document will be used by somebody for establishing, ascertaining or verifying registrable facts about a person.
- (5) It is an offence for a person to have in his possession or under his control, without reasonable excuse—

- (a) an identity document that is false;
 - (b) an identity document that was improperly obtained;
 - (c) an identity document that relates to someone else; or
 - (d) any apparatus, article or material which, to his knowledge, is or has been specially designed or adapted for the making of false identity documents or to be used in the making of such documents.
- (6) A person guilty of an offence under subsection (1) or (3) shall be liable, on conviction on indictment, to imprisonment for a term not exceeding ten years or to a fine, or to both.
- (7) A person guilty of an offence under subsection (5) shall be liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both;
 - (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding twelve months or to a fine not exceeding the statutory maximum, or to both;
 - (c) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;
- but, in relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44), the reference in paragraph (b) to twelve months is to be read as a reference to six months.
- (8) For the purposes of this section—
- (a) an identity document is false only if it is false within the meaning of Part 1 of the Forgery and Counterfeiting Act 1981 (c. 45) (see section 9(1) of that Act); and
 - (b) an identity document was improperly obtained if false information was provided, in or in connection with the application for its issue or an application for its modification, to the person who issued it or (as the case may be) to a person entitled to modify it;
- and references to the making of a false identity document include references to the modification of an identity document so that it becomes false.
- (9) Subsection (8)(a) does not apply in the application of this section to Scotland.
- (10) In this section “identity document” has the meaning given by section 26.

26 Identity documents for the purposes of s. 25

- (1) In section 25 “identity document” means any document that is, or purports to be—
- (a) an ID card;
 - (b) a designated document;
 - (c) an immigration document;
 - (d) a United Kingdom passport (within the meaning of the Immigration Act 1971 (c. 77));
 - (e) a passport issued by or on behalf of the authorities of a country or territory outside the United Kingdom or by or on behalf of an international organisation;

- (f) a document that can be used (in some or all circumstances) instead of a passport;
 - (g) a UK driving licence; or
 - (h) a driving licence issued by or on behalf of the authorities of a country or territory outside the United Kingdom.
- (2) In subsection (1) “immigration document” means—
- (a) a document used for confirming the right of a person under the Community Treaties in respect of entry or residence in the United Kingdom;
 - (b) a document which is given in exercise of immigration functions and records information about leave granted to a person to enter or to remain in the United Kingdom; or²³
 - (c) a registration card (within the meaning of section 26A of the Immigration Act 1971);
- and in paragraph (b) “immigration functions” means functions under the Immigration Acts (within the meaning of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19)).
- (3) In that subsection “UK driving licence” means—
- (a) a licence to drive a motor vehicle granted under Part 3 of the Road Traffic Act 1988 (c. 52); or
 - (b) a licence to drive a motor vehicle granted under Part 2 of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)).
- (4) The Secretary of State may by order modify the list of documents in subsection (1).
- (5) The Secretary of State must not make an order containing (with or without other provision) any provision that he is authorised to make by subsection (4) unless a draft of the order has been laid before Parliament and approved by a resolution of each House.

27 Unauthorised disclosure of information

- (1) A person is guilty of an offence if, without lawful authority—
- (a) he provides any person with information that he is required to keep confidential; or
 - (b) he otherwise makes a disclosure of any such information.
- (2) For the purposes of this section a person is required to keep information confidential if it is information that is or has become available to him by reason of his holding an office or employment the duties of which relate, in whole or in part, to—
- (a) the establishment or maintenance of the Register;
 - (b) the issue, manufacture, modification, cancellation or surrender of ID cards; or
 - (c) the carrying out of the Commissioner’s functions.
- (3) For the purposes of this section information is provided or otherwise disclosed with lawful authority if, and only if the provision or other disclosure of the information—
- (a) is authorised by or under this Act or another enactment;
 - (b) is in pursuance of an order or direction of a court or of a tribunal established by or under any enactment;
 - (c) is in pursuance of a Community obligation; or

- (d) is for the purposes of the performance of the duties of an office or employment of the sort mentioned in subsection (2).
- (4) It is a defence for a person charged with an offence under this section to show that, at the time of the alleged offence, he believed, on reasonable grounds, that he had lawful authority to provide the information or to make the other disclosure in question.
- (5) A person guilty of an offence under this section shall be liable, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both.

28 Providing false information

- (1) A person is guilty of an offence if, in circumstances falling within subsection (2), he provides false information to any person —
 - (a) for the purpose of securing the making or modification of an entry in the Register;
 - (b) in confirming (with or without changes) the contents of an entry in the Register; or
 - (c) for the purpose of obtaining for himself or another the issue or modification of an ID card.
- (2) Those circumstances are that, at the time of the provision of the information he—
 - (a) knows or believes the information to be false; or
 - (b) is reckless as to whether or not it is false.
- (3) A person guilty of an offence under this section shall be liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both;
 - (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding twelve months or to a fine not exceeding the statutory maximum, or to both;
 - (c) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;

but, in relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44), the reference in paragraph (b) to twelve months is to be read as a reference to six months.

29 Tampering with the Register etc.

- (1) A person is guilty of an offence under this section if—
 - (a) he engages in any conduct that causes an unauthorised modification of information recorded in the Register; and
 - (b) at the time when he engages in the conduct, he has the requisite intent.
- (2) For the purposes of this section a person has the requisite intent if he—
 - (a) intends to cause a modification of information recorded in the Register; or
 - (b) is reckless as to whether or not his conduct will cause such a modification.
- (3) For the purposes of this section the cases in which conduct causes a modification of information recorded in the Register include—
 - (a) where it contributes to a modification of such information; and

- (b) where it makes it more difficult or impossible for such information to be retrieved in a legible form from a computer on which it is stored by the Secretary of State, or contributes to making that more difficult or impossible.
- (4) It is immaterial for the purposes of this section—
 - (a) whether the conduct constituting the offence, or any of it, took place in the United Kingdom; or
 - (b) in the case of conduct outside the United Kingdom, whether it is conduct of a British citizen.
- (5) For the purposes of this section a modification is unauthorised, in relation to the person whose conduct causes it, if—
 - (a) he is not himself entitled to determine if the modification may be made; and
 - (b) he does not have a consent to the modification from a person who is so entitled.
- (6) In proceedings against a person for an offence under this section in respect of conduct causing a modification of information recorded in the Register it is to be a defence for that person to show that, at the time of the conduct, he believed, on reasonable grounds—
 - (a) that he was a person entitled to determine if that modification might be made; or
 - (b) that consent to the modification had been given by a person so entitled.
- (7) A person guilty of an offence under this section shall be liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding ten years or to a fine, or to both;
 - (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding twelve months or to a fine not exceeding the statutory maximum, or to both;
 - (c) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding six months or to a fine not exceeding the statutory maximum, or to both;

but, in relation to an offence committed before the commencement of section 154(1) of the Criminal Justice Act 2003 (c. 44), the reference in paragraph (b) to twelve months is to be read as a reference to six months.
- (8) In the case of an offence by virtue of this section in respect of conduct wholly or partly outside the United Kingdom—
 - (a) proceedings for the offence may be taken at any place in the United Kingdom; and
 - (b) the offence may for all incidental purposes be treated as having been committed at any such place.
- (9) In this section—
 - “conduct” includes acts and omissions; and
 - “modification” includes a temporary modification.

30 Amendments relating to offences

- (1) In section 1(2) of the Criminal Justice Act 1993 (c. 36) (Group A offences in respect of which jurisdiction is extended for some purposes in relation to conduct outside England and Wales), after paragraph (c) insert—

- “(ca) an offence under section 25 of the Identity Cards Act 2006;”.
- (2) In section 31 of the Immigration and Asylum Act 1999 (defences based on Article 31(1) of the Refugee Convention)—
- (a) in subsection (3) (offences in England and Wales and Northern Ireland to which section applies), after paragraph (a) insert—
- “(aa) section 25(1) or (5) of the Identity Cards Act 2006;”
- (b) in subsection (4) (offences in Scotland to which section applies), after paragraph (b) insert—
- “(ba) under section 25(1) or (5) of the Identity Cards Act 2006;”.
- (3) In section 14(2) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19) (powers of arrest for immigration officers), after paragraph (p) insert—
- “(q) an offence under section 25 of the Identity Cards Act 2006.”
- (4) In Article 26(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) (offences for which an arrest may be made without a warrant), at the end insert—
- “(q) an offence under—
- (i) section 25(5) of the Identity Cards Act 2006 (possession of false document etc.);
- (ii) section 27 of that Act (disclosure of information on National Identity Register); or
- (iii) section 28 of that Act (providing false information).”
- (5) In Article 38(2) of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)) (which makes provision in relation to conduct outside Northern Ireland corresponding to that made by section 1(2) of the Criminal Justice Act 1993 (c. 36)), after sub-paragraph (c) insert—
- “(ca) an offence under section 25 of the Identity Cards Act 2006;”.