



Identity Cards Act 2006

2006 CHAPTER 15

Required identity checks

13 Power to make public services conditional on identity checks

- (1) Regulations may make provision allowing or requiring a person who provides a public service to make it a condition of providing the service to an individual that the individual produces—
 - (a) an ID card;
 - (b) other evidence of registrable facts about himself; or
 - (c) both.
- (2) Regulations under this section may not allow or require the imposition of a condition on—
 - (a) the entitlement of an individual to receive a payment under or in accordance with any enactment, or
 - (b) the provision of any public service that has to be provided free of charge, except in cases where the individual is of a description of individuals who are subject to compulsory registration.
- (3) Nothing in this section authorises the making of regulations the effect of which would be to require an individual—
 - (a) to carry an ID card with him at all times; or
 - (b) to produce such a card otherwise than for purposes connected with an application by him for the provision of a public service, or with the provision of a public service for which he has applied.

14 Procedure for regulations under s. 13

- (1) The power to make regulations under section 13 shall be exercisable—
 - (a) in relation to the provision of Welsh public services, by the National Assembly for Wales;

- (b) in relation to the provision of Northern Ireland public services, by a Northern Ireland department designated for the purpose by order made by the Office of the First Minister and deputy First Minister; and
 - (c) so far as not exercisable by any other person under paragraph (a) or (b), by the Secretary of State.
- (2) In subsection (1)—
- (a) the reference to the provision of Welsh public services is a reference to the provision of public services in Wales, so far as their provision is a matter in relation to which the National Assembly for Wales has functions; and
 - (b) the reference to the provision of Northern Ireland public services is a reference to the provision of public services in Northern Ireland, so far as their provision is a transferred matter (within the meaning of section 4(1) of the Northern Ireland Act 1998 (c. 47)).
- (3) Regulations containing (with or without other provision) any provision the making of which is authorised by section 13 must not be made by the Secretary of State or a Northern Ireland department unless a draft of the regulations—
- (a) in the case of regulations made by the Secretary of State, has been laid before Parliament and approved by a resolution of each House; and
 - (b) in the case of regulations made by a Northern Ireland department, has been laid before and approved by the Northern Ireland Assembly.
- (4) Before—
- (a) draft regulations under section 13 are laid before either House of Parliament or the Northern Ireland Assembly, or
 - (b) regulations under that section are made by the National Assembly for Wales, the person proposing to make the regulations must take such steps as that person thinks fit for securing that members of the public likely to be affected by the regulations are informed about the matters mentioned in subsection (5), and for consulting them about the proposal.
- (5) Those matters are—
- (a) the reasons for the making of the regulations; and
 - (b) why reliance is not being placed on powers conferred otherwise than by this Act.
- (6) Where—
- (a) a power to impose conditions for the provision of a public service is exercisable under an enactment not contained in this Act, and
 - (b) that power is exercisable only after consultation with such persons as may be specified or described in that enactment,
- the power under section 13 to impose a condition for the provision of that service or to make provision in relation to such a condition is to be exercisable only after consultation with the persons so specified or described.

15 Power to provide for checks on the Register

- (1) The Secretary of State may by regulations make provision authorising a person providing a public service in respect of which—
- (a) a condition is imposed under section 13, or

- (b) a condition for the production of an ID card, or of evidence of registrable facts, or both, is imposed by or under any other enactment,
to be provided with information recorded in the Register that he requires for the purpose of ascertaining or verifying registrable facts about an individual who has applied for the provision of the service.
- (2) Regulations under this section may not authorise the provision to any person of information falling within paragraph 9 of Schedule 1.
- (3) The Secretary of State may by regulations make provision as to—
- (a) the manner in which applications for the provision of information under this section must be made;
 - (b) the persons by whom, and the circumstances in which, such an application may be made; and
 - (c) the information that may be provided in response to such an application and the manner in which it may be provided.
- (4) The Secretary of State may by regulations make it a condition of the provision of information under this section—
- (a) that the person to whom it is provided has registered prescribed particulars about himself with the Secretary of State;
 - (b) that that person and the applicant for the information (where different) are for the time being approved by the Secretary of State in the prescribed manner; and
 - (c) that apparatus used for the purposes of the application, and apparatus that it is proposed to use for the receipt and storage of the information, is for the time being approved in the prescribed manner by the person specified in or determined under the regulations.
- (5) The power of the Secretary of State under this section to provide information about an individual to another person is exercisable only where the provision of the information is subject to the satisfaction in relation to that other person of conditions imposed under subsection (4)(a) and (b).
- (6) The Secretary of State must not make regulations containing (with or without other provision) any provision that he is authorised to make by this section unless a draft of the regulations has been laid before Parliament and approved by a resolution of each House.
- (7) Before draft regulations under this section are laid before either House of Parliament, the Secretary of State must take such steps as he thinks fit for securing that—
- (a) members of the public in the United Kingdom are informed about the reasons for the proposal to make the regulations; and
 - (b) for consulting them about it.
- (8) In this section “enactment” includes an enactment comprised in an Act of the Scottish Parliament.

16 Prohibition on requirements to produce identity cards

- (1) It shall be unlawful to make it a condition of doing anything in relation to an individual that the individual—

Status: This is the original version (as it was originally enacted).

- (a) makes an application under section 12(1) for the provision to him of information recorded in his entry in the Register;
 - (b) exercises the right conferred by section 7 of the Data Protection Act 1998 (c. 29) to obtain information recorded in his entry in the Register; or
 - (c) provides a person with information about what is recorded in his entry in the Register.
- (2) It shall also be unlawful in cases not falling within subsection (3) for any person—
- (a) to make it a condition of doing anything in relation to an individual that the individual makes an application, or gives an authority or consent, for the purposes of section 12(1) in order to secure the provision to another person of information recorded in the individual's entry in the Register;
 - (b) to make it a condition of doing anything in relation to an individual that the individual establishes his identity by the production of an ID card; or
 - (c) otherwise to impose a requirement on an individual to produce such a card.
- (3) Each of the following is a case in which a condition or requirement referred to in subsection (2) may be imposed in relation to or on an individual—
- (a) where the condition or requirement is imposed in accordance with regulations under section 13, or in accordance with provision made by or under any other enactment;
 - (b) where provision is made allowing the individual to satisfy the condition or other requirement using reasonable alternative methods of establishing his identity;
 - (c) where the individual is of a description of individuals who are subject to compulsory registration.
- (4) The obligation of a person by virtue of this section not to impose a condition or requirement in relation to or on an individual is a duty owed to that individual and is enforceable by him in civil proceedings—
- (a) for an injunction or interdict; or
 - (b) for any other appropriate remedy or relief.
- (5) In this section “enactment” includes an enactment comprised in an Act of the Scottish Parliament.