

IDENTITY CARDS ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Provisions relating to passports

Section 38: Verifying information provided with passport applications etc.

201. This section contains the provisions necessary to permit data to be shared for the purpose of verifying information provided in relation to an application for a passport or the withdrawal of a passport. It mirrors the provision in respect of ID cards made in section 9.
202. *Subsections (1) and (2)* place a duty on a person to provide information to the Secretary of State for the purposes of verifying information related to an application for a passport and/or a decision to withdraw an individual's passport.
203. *Subsection (2)* also enables the information to be required within a specified timescale.
204. *Subsection (3)* sets out that the requirement may be imposed on a Minister, government department, Northern Ireland department, National Assembly for Wales or any person specified for the purposes in an order made by the Secretary of State.
205. *Subsection (4)* clarifies that the persons who may be specified in an order include anyone carrying out statutory functions that are carried out on behalf of the Crown.
206. *Subsection (5)* provides that orders under this section may specify that the duty on the individual to provide the information may be enforced via civil court proceedings. In the case of public authorities, normal public law remedies such as judicial review will apply.
207. *Subsection (6)* enables the Secretary of State to pay those from whom he is requiring information.
208. The order making provision to require information from any person not specified in *subsection (3)* is subject to the affirmative resolution procedure (*subsection (7)*). This section comes into force 2 months after Royal Assent (section 44(5)).

Section 39: Amendments of legislation relating to passports

209. Section 39 makes a series of amendments to existing legislation where currently passports are mentioned to enable ID cards to be used in circumstances where a passport may currently be required.
210. This section also amends legislation where a person is required to surrender his passport and has an ID card that is valid for travel. The amendment to the Football Spectators Act 1989 by *subsections (1) and (2)* ensures that a requirement to surrender a passport includes a requirement to surrender an ID card able to be used as a travel document.

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

211. *Subsections (3) and (4)* make a similar amendment to the Criminal Justice and Police Act 2001 where courts can issue travel restriction orders in cases of serious drug offenders leaving prison.
212. *Subsection (5)* allows amendments to be made to existing legislation, so that where currently that legislation includes a reference to a passport, a reference to an ID card may be added. This is subject to the negative resolution procedure as far as subordinate legislation is concerned and the affirmative resolution procedure if primary legislation is being amended.
213. This power is necessary to enable the ID card, as a highly reliable form of proof of identity, to be used in the widest range of circumstances and to facilitate its use as a travel document.