

*Status: Point in time view as at 21/01/2011.*

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## SCHEDULE

Section 12

### CONSEQUENTIAL AMENDMENTS

#### *Immigration Act 1971*

- 1 In section 3(9) of the Immigration Act 1971 (proof of right of abode)—
- (a) at the end of paragraph (b), insert “ or ”, and
  - (b) omit paragraphs (c) and (d).

#### *Consular Fees Act 1980*

- 2 Section 1 of the Consular Fees Act 1980 continues to have effect with the following subsections that were originally inserted by section 36 of the Identity Cards Act 2006, but, in consequence of the repeal of that Act by section 1 of this Act, with the omission of the original subsection (4A)(c)—

“(4A) In prescribing a fee under subsection (1) for the doing of a particular thing, Her Majesty in Council may take into account—

- (a) the expenses that will be or have been incurred in doing that thing, both in the circumstances in relation to which the fee is prescribed and in other circumstances;
- (b) the expenses that will be or have been incurred in doing such other things in the exercise of functions mentioned in that subsection as She thinks fit; and
- (c) such differences between different persons in relation to whom things may be or have been done as She thinks fit.

(4B) The power of Her Majesty in Council under subsection (1) to prescribe fees and the power of the Secretary of State under subsection (3) to make regulations each includes power—

- (a) to make different provision for different cases;
- (b) to make provision subject to such exemptions and exceptions as the person exercising the power thinks fit; and
- (c) to make such incidental, supplemental, consequential and transitional provision as that person thinks fit.

(4C) References in this section to expenses that will be incurred for any purpose include references to expenses that Her Majesty in Council considers are likely to be incurred for that purpose over such period as She thinks appropriate, including expenses that will only be incurred after the commencement of a particular enactment.”

#### *Football Spectators Act 1989*

- 3 The Football Spectators Act 1989 is amended as follows.
- 4 In sections 14E, 19, 21B and 21C (enforcement of banning orders etc), for “travel authorisation”, in each place, substitute “ passport ”.
- 5 In section 22A(1) (interpretation), omit the definition of “travel authorisation”.

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*Police and Criminal Evidence (Northern Ireland) Order 1989*

- 6 In Article 26(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (offences for which an arrest may be made without a warrant), for paragraph (q) substitute—
- “(q) an offence under section 6 of the Identity Documents Act 2010 (possession of false identity documents etc without reasonable excuse).”

*Child Support Act 1991*

- 7 (1) Section 39B of the Child Support Act 1991 (disqualification for holding or obtaining driving licence or travel authorisation) is amended as follows.
- (2) In subsection (3)(b) and (c), for “a travel authorisation” substitute “ a United Kingdom passport ”.
- (3) In subsection (8)—
- (a) after the definition of “relevant document” insert—
- ““United Kingdom passport” has the same meaning as in the Immigration Act 1971 (see section 33(1)).”, and
- (b) omit the definition of “travel authorisation”.
- (4) In the heading, for “**travel authorisation**” substitute “ **United Kingdom passport** ”.

*Criminal Justice Act 1993*

- 8 In section 1(2) of the Criminal Justice Act 1993 (Group A offences in respect of which jurisdiction is extended for some purposes in relation to conduct outside England and Wales), for paragraph (ca) substitute—
- “(ca) an offence under any of sections 4 to 6 of the Identity Documents Act 2010;”.

*Criminal Justice (Northern Ireland) Order 1996*

- 9 In Article 38(2) of the Criminal Justice (Northern Ireland) Order 1996 (which makes provision in relation to conduct outside Northern Ireland corresponding to that made by section 1(2) of the Criminal Justice Act 1993), for paragraph (ca) substitute—
- “(ca) an offence under any of sections 4 to 6 of the Identity Documents Act 2010;”.

*Immigration and Asylum Act 1999*

- 10 (1) Section 31 of the Immigration and Asylum Act 1999 (defences based on Article 31(1) of the Refugee Convention) is amended as follows.
- (2) In subsection (3), for paragraph (aa) substitute—
- “(aa) section 4 or 6 of the Identity Documents Act 2010;”.
- (3) In subsection (4), for paragraph (ba) substitute—
- “(ba) under section 4 or 6 of the Identity Documents Act 2010;”.

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### *Freedom of Information Act 2000*

- 11 In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (public authorities for the purposes of that Act), omit the entry relating to the National Identity Scheme Commissioner.

### *Regulation of Investigatory Powers Act 2000*

- 12 The Regulation of Investigatory Powers Act 2000 is amended as follows.
- 13 In section 59 (functions of Intelligence Services Commissioner), omit subsection (2A).
- 14 (1) Section 65 (complaints in relation to which Tribunal has jurisdiction) is amended as follows.
- (2) In subsection (2)(b), omit “or (4A)”.
- (3) In subsection (3)—
- (a) at the end of paragraph (c), insert “ or ”, and
- (b) omit paragraphs (ca) and (cb)(together with the “or” at the end of paragraph (cb)).
- (4) Omit subsection (4A).

### *Criminal Justice and Police Act 2001*

- 15 The Criminal Justice and Police Act 2001 is amended as follows.
- 16 (1) Section 33 (power to make travel restriction orders) is amended as follows.
- (2) In subsection (4)—
- (a) for “UK travel authorisation” substitute “ UK passport ”, and
- (b) for “any travel authorisation” substitute “ any passport ”.
- (3) In subsection (5), for “travel authorisation”, in each place, substitute “ passport ”.
- (4) For subsection (8) substitute—
- “(8) In this section “UK passport” means a United Kingdom passport within the meaning of the Immigration Act 1971 (see section 33(1)).”
- 17 In sections 35 and 36 (further provision in relation to travel restriction orders), for “travel authorisation”, in each place, substitute “ passport ”.

### *Asylum and Immigration (Treatment of Claimants, etc.) Act 2004*

- 18 In section 14(2) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (powers of arrest for immigration officers), for paragraph (q) substitute—
- “(q) an offence under any of sections 4 to 6 of the Identity Documents Act 2010.”

### *UK Borders Act 2007*

- 19 In section 5(6) of the UK Borders Act 2007 (registration regulations), omit the words from “; and section 16 of the Identity Cards Act 2006” to the end.

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*Policing and Crime Act 2009*

- 20 In section 101(3) of the Policing and Crime Act 2009 (prohibition on importation or exportation of false identity documents etc), in the definition of “document”, for “which is a card within the meaning of the Identity Cards Act 2006 (c. 15),” substitute “ in or on which information is or may be recorded, ”.

*Welfare Reform Act 2009*

- 21 (1) Section 53 of the Welfare Reform Act 2009 (report on operation of travel authorisation amendments) is amended as follows.
- (2) In subsections (1), (2) and (7), for “a travel authorisation” substitute “ a United Kingdom passport ”.
- (3) In subsections (4), (6) and (7), for “the travel authorisation amendments” substitute “ the passport amendments ”.
- (4) In subsection (13)—
- (a) after the definition of “the 1991 Act” insert—
- ““the passport amendments” means the amendments of the 1991 Act made by section 51 and Schedule 5 so far as relating to the disqualification of any person for holding or obtaining a United Kingdom passport;
- “United Kingdom passport” has the same meaning as in the Immigration Act 1971 (see section 33(1)).”, and
- (b) omit the definitions of “travel authorisation” and “the travel authorisation amendments”.
- (5) In the heading, for “**travel authorisation**” substitute “ **passport** ”.

*Identity Cards Act 2006 (Information and Code of Practice on Penalties) Order 2009*

- 22 The Identity Cards Act 2006 (Information and Code of Practice on Penalties) Order 2009 is revoked.

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