



# Identity Cards Act 2006

## 2006 CHAPTER 15

### *Registration*

#### **1 The National Identity Register**

- (1) It shall be the duty of the Secretary of State to establish and maintain a register of individuals (to be known as “the National Identity Register”).
- (2) The purposes for which the Register is to be established and maintained are confined to the statutory purposes.
- (3) The statutory purposes are to facilitate, by the maintenance of a secure and reliable record of registrable facts about individuals in the United Kingdom—
  - (a) the provision of a convenient method for such individuals to prove registrable facts about themselves to others who reasonably require proof; and
  - (b) the provision of a secure and reliable method for registrable facts about such individuals to be ascertained or verified wherever that is necessary in the public interest.
- (4) For the purposes of this Act something is necessary in the public interest if, and only if, it is—
  - (a) in the interests of national security;
  - (b) for the purposes of the prevention or detection of crime;
  - (c) for the purposes of the enforcement of immigration controls;
  - (d) for the purposes of the enforcement of prohibitions on unauthorised working or employment; or
  - (e) for the purpose of securing the efficient and effective provision of public services.
- (5) In this Act “registrable fact”, in relation to an individual, means—
  - (a) his identity;
  - (b) the address of his principal place of residence in the United Kingdom;
  - (c) the address of every other place in the United Kingdom or elsewhere where he has a place of residence;

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*Status: This is the original version (as it was originally enacted).*

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- (d) where in the United Kingdom and elsewhere he has previously been resident;
  - (e) the times at which he was resident at different places in the United Kingdom or elsewhere;
  - (f) his current residential status;
  - (g) residential statuses previously held by him;
  - (h) information about numbers allocated to him for identification purposes and about the documents to which they relate;
  - (i) information about occasions on which information recorded about him in the Register has been provided to any person; and
  - (j) information recorded in the Register at his request.
- (6) But the registrable facts falling within subsection (5)(h) do not include any sensitive personal data (within the meaning of the Data Protection Act 1998 (c. 29)) or anything the disclosure of which would tend to reveal such data.
- (7) In this section references to an individual's identity are references to—
- (a) his full name;
  - (b) other names by which he is or has previously been known;
  - (c) his gender;
  - (d) his date and place of birth and, if he has died, the date of his death; and
  - (e) external characteristics of his that are capable of being used for identifying him.
- (8) In this section “residential status”, in relation to an individual, means—
- (a) his nationality;
  - (b) his entitlement to remain in the United Kingdom; and
  - (c) where that entitlement derives from a grant of leave to enter or remain in the United Kingdom, the terms and conditions of that leave.

## **2 Individuals entered in Register**

- (1) An entry must be made in the Register for every individual who—
- (a) is entitled to be entered in it; and
  - (b) applies to be entered in it.
- (2) The individuals entitled to be entered in the Register are—
- (a) every individual who has attained the age of 16 and, without being excluded under subsection (3) from an entitlement to be registered, is residing at a place in the United Kingdom; and
  - (b) every individual of a prescribed description who has resided in the United Kingdom or who is proposing to enter the United Kingdom.
- (3) Regulations made by the Secretary of State may provide that an individual residing in the United Kingdom is excluded from an entitlement to be registered if—
- (a) he is residing in the United Kingdom in exercise of an entitlement to remain there that will end less than the prescribed period after it was acquired;
  - (b) he is an individual of a prescribed description who has not yet been resident in the United Kingdom for the prescribed period; or
  - (c) he is residing in the United Kingdom despite having no entitlement to remain there.

- (4) An entry for an individual may be made in the Register (whether or not he has applied to be, or is entitled to be, entered in it) if—
  - (a) information capable of being recorded in an entry for him is otherwise available to be recorded; and
  - (b) the Secretary of State considers that the addition of the entry to the Register would be consistent with the statutory purposes.
- (5) An entry in the Register consisting of all the information recorded about an individual must be given a unique number, to be known as his National Identity Registration Number; and that number must comply with the prescribed requirements.
- (6) The Secretary of State may by order modify the age for the time being specified in subsection (2)(a).
- (7) 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 (6) unless a draft of the order has been laid before Parliament and approved by a resolution of each House.

### **3 Information recorded in Register**

- (1) Information—
  - (a) may be entered in the Register, and
  - (b) once entered, may continue to be recorded there,  
only if and for so long as it is consistent with the statutory purposes for it to be recorded in the Register.
- (2) Information may not be recorded in the Register unless it is—
  - (a) information the inclusion of which in an individual's entry is authorised by Schedule 1;
  - (b) information of a technical nature for use in connection with the administration of the Register;
  - (c) information of a technical nature for use in connection with the administration of arrangements made for purposes connected with the issue or cancellation of ID cards; or
  - (d) information that must be recorded in the Register in accordance with subsection (3).
- (3) Information about an individual must be recorded in his entry in the Register (whether or not it is authorised by Schedule 1) if—
  - (a) he has made an application to the Secretary of State requesting the recording of the information as part of his entry;
  - (b) the information is of a description identified in regulations made by the Secretary of State as a description of information that may be made the subject of such a request; and
  - (c) the Secretary of State considers that it is both practicable and appropriate for it to be recorded in accordance with the applicant's request.
- (4) An individual's entry in the Register must include any information falling within paragraph 9 of Schedule 1 that relates to an occasion on which information contained in his entry has been provided to a person without the individual's consent.

- (5) Where—
- (a) the Secretary of State and an individual have agreed on what is to be recorded about a matter in that individual's entry in the Register, and
  - (b) the Secretary of State has given, and not withdrawn, a direction that what is to be recorded in that individual's case about that matter is to be determined by the agreement,
- there is to be a conclusive presumption for the purposes of this Act that the information to which the direction relates is accurate and complete information about that matter.
- (6) The Secretary of State may by order modify the information for the time being set out in Schedule 1.
- (7) The Secretary of State must not make an order containing (with or without other provision) any provision for adding information to the information that may be recorded in the Register unless a draft of the order has been laid before Parliament and approved by a resolution of each House.
- (8) A statutory instrument containing an order which—
- (a) contains provisions that the Secretary of State is authorised to make by this section, and
  - (b) is not an order a draft of which is required to have been laid before Parliament and approved by a resolution of each House,
- shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### **4 Designation of documents for purposes of registration etc.**

- (1) The Secretary of State may by order designate a description of documents for the purposes of this Act.
- (2) The only documents that may be the subject of an order designating a description of documents for the purposes of this Act are documents which any of the persons mentioned in subsection (3) is authorised or required to issue, whether by or under an enactment or otherwise.
- (3) Those persons are—
- (a) a Minister of the Crown;
  - (b) a government department;
  - (c) a Northern Ireland department;
  - (d) the National Assembly for Wales;
  - (e) any other person who carries out functions conferred by or under any enactment that fall to be carried out on behalf of the Crown.
- (4) The Secretary of State must not make an order containing (with or without other provision) any provision that he is authorised to make by this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House.

#### **5 Applications relating to entries in Register**

- (1) An application by an individual to be entered in the Register may be made either—
- (a) by being included in the prescribed manner in an application for a designated document; or

- (b) by being submitted in the prescribed manner directly to the Secretary of State.
- (2) Where an application to be issued with a designated document is made by an individual, the application must do one of the following—
- (a) include an application by that individual to be entered in the Register;
  - (b) state that the individual is already entered in the Register and confirm the contents of his entry;
  - (c) state that the individual is entered in the Register and confirm the contents of his entry subject to the changes notified in the application.
- (3) Where an individual makes—
- (a) an application to be entered in the Register, or
  - (b) an application which for the purposes of this Act confirms (with or without changes) the contents of his entry in the Register,
- the application must be accompanied by the prescribed information.
- (4) Where an individual has made an application falling within subsection (3)(a) or (b), the Secretary of State may require him to do such one or more of the things specified in subsection (5) as the Secretary of State thinks fit for the purpose of—
- (a) verifying information that may be entered in the Register about that individual in consequence of that application; or
  - (b) otherwise ensuring that there is a complete, up-to-date and accurate entry about that individual in the Register.
- (5) The things that an individual may be required to do under subsection (4) are—
- (a) to attend at an agreed place and time or (in the absence of agreement) at a specified place and time;
  - (b) to allow his fingerprints, and other biometric information about himself, to be taken and recorded;
  - (c) to allow himself to be photographed;
  - (d) otherwise to provide such information as may be required by the Secretary of State.
- (6) Regulations under this section must not require an individual to provide information to another person unless it is information required by the Secretary of State for the statutory purposes.
- (7) The power of the Secretary of State to make regulations containing (with or without other provision) any provision that he is authorised to make by this section is exercisable, on the first occasion on which regulations are made under this section, only if a draft of the regulations has been laid before Parliament and approved by a resolution of each House.