

IDENTITY CARDS ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Offences

Section 29: Tampering with the Register etc.

165. This section creates an offence of tampering with the Register. *Subsection (1)* defines the offence as engaging in any conduct that causes an unauthorised modification of information in the Register. *Subsection (2)* defines the requisite intent for the offence as intending to cause a modification of information, or being reckless as to whether or not the conduct will cause such a modification. *Subsection (5)* defines an “unauthorised modification” as taking place if someone is not himself entitled to determine if the modification may be made and he does not have consent to the modification from a person who is so entitled. *Subsection (6)* provides a defence where the maker of the unauthorised modification reasonably, albeit mistakenly, believed he was authorised to make it. *Subsection (9)* provides that conduct includes acts and omissions, and modification includes a temporary modification.
166. *Subsection (3)* makes it clear that modification of information includes cases where someone’s conduct contributes to the modification of information, or where it makes it more difficult or impossible for such information to be retrieved in a legible form, or where the conduct contributes to making the retrieval more difficult or impossible. However, this is not intended to apply to simple withdrawal of labour, for example in the case of lawful industrial action by staff responsible for operating the Register.
167. *Subsection (4)* makes it clear that it does not matter whether any or all of the relevant conduct took place in the United Kingdom, or whether or not the person concerned was a British citizen.
168. *Subsection (7)* gives the maximum penalty for the offence as imprisonment for a term not exceeding ten years, or a fine, or both.