



Identity Cards Act 2006

2006 CHAPTER 15

Civil penalties

34 Code of practice on penalties

- (1) The Secretary of State must issue a code of practice setting out the matters that must be considered when determining—
 - (a) whether a civil penalty should be imposed under this Act; and
 - (b) the amount of such a penalty.
- (2) The Secretary of State must have regard to the code when—
 - (a) imposing a civil penalty under this Act; or
 - (b) considering a notice of objection under section 32.
- (3) The court must have regard to the code when determining any appeal under section 33.
- (4) Before issuing the code, the Secretary of State must lay a draft of it before Parliament.
- (5) Before a draft code under this section is laid before Parliament, the Secretary of State must take such steps as he thinks fit—
 - (a) for securing that members of the public in the United Kingdom are informed about the proposed code; and
 - (b) for consulting them about it.
- (6) The code issued under this section does not come into force until the time specified by order made by the Secretary of State.
- (7) The Secretary of State may from time to time—
 - (a) revise the whole or a part of the code; and
 - (b) issue the revised code.
- (8) Subsections (4) to (6) apply to a revised code as they apply to the code first issued under this section.
- (9) The power of the Secretary of State to make an order containing (with or without other provision) a provision authorised by this section is exercisable, on the first occasion

Status: This is the original version (as it was originally enacted).

on which an order is made under this section, only if a draft of the order has been laid before Parliament and approved by a resolution of each House.

- (10) 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.