

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

IDENTITY CARDS ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Civil penalties

Section 34: Code of practice on penalties

187. This section sets out the provisions relating to the code of practice on penalties.
188. The Secretary of State is under a duty to issue a code of practice setting out the matters that will be considered when determining whether to impose a civil penalty and if so the amount to be imposed (*subsection (1)*). He must have regard to the code when imposing a penalty or considering a notice of objection (*subsection (2)*). A court must also have regard to the code when determining any appeal (*subsection (3)*).
189. Before issuing the code, a draft must be laid before Parliament and members of the public must be consulted about it. It then comes into force as specified by order (*Subsections (4),(5) and (6)*). On the first occasion on which an order is made bringing the code into force it will be subject to the affirmative resolution procedure. Any subsequent orders (for revisions to the code) will be subject to the negative resolution procedure (*subsections (9) and (10)*). An initial indicative draft of what the code might cover and referring to the Identity Cards Bill as introduced to the House of Lords in October 2005, was published in December 2005 and a copy placed on the identity cards website at www.ips.gov.uk.