



# Identity Cards Act 2006

## 2006 CHAPTER 15

### *Supplemental*

#### **40 Orders and regulations**

- (1) Every power conferred by this Act on the Secretary of State or the National Assembly for Wales to make an order or regulations is a power exercisable by statutory instrument.
- (2) The following powers are powers exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12))—
  - (a) the power of a Northern Ireland department to make regulations under section 13; and
  - (b) the power of the Office of the First Minister and deputy First Minister to make an order under section 14(1)(b) designating a Northern Ireland department for the purposes of the power to make such regulations.
- (3) A statutory instrument containing regulations which—
  - (a) contain provisions that the Secretary of State is authorised to make by this Act, and
  - (b) are not regulations 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) Every power conferred by this Act on a person to make an order or regulations (other than the power of the Secretary of State to make an order under section 44(3)) includes power—
  - (a) to make different provision for different cases;
  - (b) to make provision subject to such exemptions and exceptions as that person thinks fit; and
  - (c) to make such incidental, supplemental, consequential and transitional provision as that person thinks fit.

---

*Status: This is the original version (as it was originally enacted).*

---

- (5) The power under subsection (4) to make incidental, supplemental and consequential provision in connection with so much of any order or regulations as authorises or requires anything to be done by or in relation to an individual under the age of 16 includes power to provide—
- (a) for the designation of a person to act on that individual's behalf for the purposes of this Act;
  - (b) for that individual's obligations and liabilities by virtue of this Act to fall, in the manner and to the extent specified, on the person designated; and
  - (c) for section 10 to have effect (even where that individual is not issued with an ID card) as if obligations arising under that section where an ID card has been issued fell to be discharged in relation to that individual by the person designated.
- (6) The power of the Secretary of State under subsection (4) to make supplemental and consequential provision in connection with a modification of Schedule 1 made by an order under section 3(6) includes power—
- (a) to make modifications of any reference in this Act to a paragraph of that Schedule; and
  - (b) in connection with that modification, to amend section 12(2) and (3) in such manner as he thinks fit.
- (7) Any power to make provision by regulations under this Act for the approval of a person or of apparatus includes power to provide—
- (a) for the grant of an approval subject to prescribed conditions;
  - (b) for the modification of such conditions in the prescribed manner; and
  - (c) for the suspension or withdrawal of an approval.