Draft Regulations laid before Parliament under sections 5(7), 6(9) and 10(6) of the Identity Cards Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2009 No.

IDENTITY CARDS

The Identity Cards Act 2006 (Application and Issue of ID Card and Notification of Changes) Regulations 2009

Made - - - -	***
	in accordance with
Coming into force - -	*Regulation 1(1)*

The Secretary of State, in exercise of the powers conferred by sections 5(1), 5(3), 6(2)(b), 6(3)(c), 6(5), 6(6)(b), 6(7), 6(8)(a) and (c), 8(3), 10(1), 10(2), 11(1), 40(4), 42(1)(**1**) and 42(10) of the Identity Cards Act 2006(**2**), makes the following Regulations.

In accordance with sections 5(7), 6(9) and 10(6) of that Act, a draft of this instrument was laid before and approved by a resolution of each House of Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Identity Cards Act 2006 (Application and Issue of ID Card and Notification of Changes) Regulations 2009 and shall come into force on the day after the day on which they are made.

(2) In these Regulations –

"2006 Act" means the Identity Cards Act 2006;

"acquired gender" means the gender different to that which an individual was initially registered as at birth;

"airside pass" means a pass allowing the person to whom it has been issued unaccompanied access to a restricted zone or to part of a restricted zone;

"an appropriate office of the Identity and Passport Service" means an office designated by the Identity and Passport Service as one which handles applications to be entered in the Register and for the issue of an ID card and notifications of changes affecting the accuracy of the Register;

"certificate of naturalisation" means a certificate of naturalisation as a British citizen, issued by the Secretary of State;

(**1**) Section 42(1) defines "prescribed"
(**2**) 2006 c.15.

"certificate of registration" means a certificate of registration as a British citizen, issued by the Secretary of State;

"EEA national" means a national of an EEA State;

"EEA State" means –

(a) a Member State other than the United Kingdom;

(b) Norway, Iceland or Liechtenstein; or

(c) Switzerland;

"gender recognition certificate", "Gender Recognition Panel" and "chartered psychologist" have the same meanings as in section 25 of the Gender Recognition Act 2004(**3**);

"Identity and Passport Service" means the Secretary of State acting through the Identity and Passport Service;

"individual who lives in two gender roles" means an individual who has a need to live at least part of their life in a gender other than their gender recorded on their current birth certificate where that need has been corroborated by evidence from a registered medical practitioner or a chartered psychologist practising in the field of gender dysphoria;

"prescribed fee" means such fee, if any, as may be prescribed in an order made under section 35(1)(a) of the 2006 Act;

"relevant airside worker" means a person who holds a valid airside pass or is required to make an application for an airside pass by virtue of their employment or proposed employment; and

"restricted zone" means an area designated by the Secretary of State under section 11A of the Aviation Security Act 1982(**4**).

Manner of application for entry in the Register

2.—(1) The manner in which an application by an individual to be entered in the Register is to be included in an application for a designated document is prescribed for the purposes of section 5(1)(a) of the 2006 Act (Applications relating to entries in Register) as set out in paragraph (2).

(2) The prescribed manner is-

(a) by including in the application for the designated document a declaration that the individual is making the application for a designated document in connection with an application to be entered in the Register;

(b) by making the application to be entered in the Register in person by prior appointment at an appropriate office of the Identity and Passport Service;

(c) subject to paragraph (4), by submitting the application on a form made available for the purpose by the Identity and Passport Service ; and

(d) by including in the application the reference number of the application for a designated document.

(3) The application shall be accompanied by the relevant prescribed fee.

(4) In the case of an individual who lives in two gender roles and who is applying for details of both genders to be entered in the Register, a form made available for the purpose by the Identity and Passport Service must be completed in relation to each of the genders.

(**3**) 2004 c.7.
(**4**) 1982 c.36.

3.—(1) The manner in which an application by an individual to be entered in the Register is to be submitted directly to the Secretary of State is prescribed for the purposes of section 5(1)(b) of the 2006 Act (Applications relating to entries in Register) as set out in paragraph (2).

(2) The prescribed manner is –

(a) by making the application to be entered in the Register in person by prior appointment at an appropriate office of the Identity and Passport Service;

(b) the application shall be accompanied by the relevant prescribed fee; and

(c) subject to paragraph (3), by submitting the application on a form made available for the purpose by the Identity and Passport Service

(3) In the case of an individual who lives in two gender roles and who is applying for details of both genders to be recorded in the Register, a form made available for the purpose by the Identity and Passport Service must be completed in relation to each of the genders.

Manner of confirming contents of entry already made in the Register

4.—(1) The manner of confirming (with or without changes) the contents of an entry in the Register is prescribed for the purposes of section 6(6)(b) of the 2006 Act (Issue etc. of ID cards) as set out in paragraph (2).

(2) The prescribed manner is –

(a) by attending in person by prior appointment at an appropriate office of the Identity and Passport Service;

(b) the application shall be accompanied by the relevant prescribed fee; and

(c) subject to paragraph (3), by completing a form made available for the purpose by the Identity and Passport Service.

(3) In the case of an individual who lives in two gender roles and who wishes details of both genders to be recorded in, or to continue to be recorded in the Register, a form made available for the purpose by the Identity and Passport Service must be completed in relation to each of the genders.

Prescribed information to accompany application for entry in Register

5.—(1) Subject to paragraph (2), the information prescribed for the purposes of section 5(3)(a) of the 2006 Act (Prescribed information to accompany application to be entered in the Register) in relation to an applicant is –

(a) such of the information specified in Schedule 1 as is stated to apply in the case of all applicants, together with such other of the information so specified as is relevant to that applicant;

(b) in the case of a relevant airside worker, the name of the employer with whom the applicant holds or has applied for employment that requires the employee to obtain an airside pass; and

(c) in the case of an individual who lives in two gender roles and who is applying for details of both genders to be entered in the Register –

(i) the individual's second gender;

(ii) the individual's name in that second gender; and

(iii) the individual's signature in that name.

(2) Any information set out in Schedule 1 is not prescribed information in relation to an applicant where, in the circumstances of the particular case (including any urgency in relation to the application), it is not reasonably practicable for the applicant to provide the information.

Prescribed information to accompany an application which confirms, with or without changes, the contents of an entry in the Register

6.—(1) Subject to paragraph (4), the information prescribed for the purposes of section 5(3)(b) of the 2006 Act (Prescribed information to accompany an application which confirms, with or without changes, the contents of an entry in the Register) is as set out in paragraphs (2) and (3).

(2) In the case of an application to which section 6(6)(b) of the 2006 Act applies, the prescribed information in relation to an applicant is -

(a) such of the information specified in Schedule 2 as is stated to apply in the case of all applicants, together with such other of the information so specified as is relevant to that applicant;

(b) in the case of an individual who lives in two gender roles and who is confirming with changes an entry in the Register in connection with an application for a second ID card in a different gender –

(i) the individual's second gender;

(ii) the individual's name in that second gender; and

(iii) the individual's signature in that name.

(3) In the case of an application to which section 5(2)(b) or (c) of the 2006 Act applies, the prescribed information in relation to an applicant is such of the information specified in Schedule 3 as is stated to apply in the case of all applicants, together with such other of the information so specified as is relevant to that applicant.

(4) Any information referred to in paragraph (1) above is not prescribed information in relation to an applicant where, in the circumstances of the particular case (including any urgency in relation to the application) it is not reasonably practicable for the applicant to provide the information.

Issue of ID card

7.—(1) The cases specified in paragraph (2) are prescribed cases for the purposes of section 6(5) of the 2006 Act (Issue etc. of ID cards).

(2) The cases referred to in paragraph (1) are-

(a) where an individual who lives in two gender roles and who has been issued with, or makes an application for, an ID card applies for a second ID card in a different gender; and

(b) where an individual is a relevant airside worker who is not entitled to be entered in the Register and who resides outside the United Kingdom.

Prescribed registrable facts

8.—(1) Subject to paragraph (2), the following registrable facts about an individual are prescribed for the purposes of section 6(5)(b) of the 2006 Act (Issue etc. of ID cards) –

(a) the individual's full name;

(b) the address of a place of residence of the individual;

(c) the individual's gender assigned at birth and, where applicable, acquired gender;

(d) the individual's place of birth;

(e) the individual's date of birth;

(f) the individual's nationality;

(g) a photograph of the individual's head and shoulders (showing the features of the face); and

(h) the individual's ten fingerprints.

(2) Where fewer than ten of the individual's fingerprints are recorded in the Register or none of the individual's fingerprints is recorded in the Register, paragraph (1)(h) shall be modified so as to refer only to the number of the individual's fingerprints that are recorded in the Register or to the fact that no fingerprints have been recorded.

Manner of application for an ID card with designated document

9.—(1) The manner in which an application by an individual to be issued with an ID card is to be included in an application to be issued with a designated document is prescribed for the purposes of section 6(7) of the 2006 Act (Applications for the issue of an ID card) as set out in paragraph (2).

(2) The prescribed manner is –

(a) by including in the application to be issued with the designated document a declaration that the individual is making their application for a designated document in connection with an application for the issue of an ID card;

(b) by making the application for the issue of an ID card in person by prior appointment to an appropriate office of the Identity and Passport Service ;

(c) subject to paragraph (4), by submitting the application on a form made available for the purpose by the Identity and Passport Service; and

(d) by including in the application the reference number of the application for a designated document.

(3) The application shall be accompanied by the relevant prescribed fee.

(4) In the case of an individual who lives in two gender roles and who is applying to be issued with an ID card in each gender, a form made available for the purpose by the Identity and Passport Service must be completed in relation to each of the genders.

Manner of making other applications for the issue of an ID card

10.—(1) The manner in which other applications for the issue of an ID card are to be made is prescribed for the purposes of section 6(8) of the 2006 Act (Applications for the issue of an ID card) as set out in paragraph (2).

(2) The prescribed manner is –

(a) by making the application for the issue of an ID card in person by prior appointment to an appropriate office of the Identity and Passport Service; and

(b) subject to paragraph (4), by submitting the application on a form made available for the purpose by the Identity and Passport Service.

(3) The application shall be accompanied by the relevant prescribed fee.

(4) In the case of an individual who lives in two gender roles and who is applying to be issued with an ID card in each gender, a form made available for the purpose by the Identity and Passport Service must be completed in relation to each of the genders.

Prescribed information to accompany application for issue of an ID card

11.—(1) Subject to paragraph (3), where an application by an individual for the issue of an ID card accompanies an application made by the individual to be entered in the Register, the information prescribed for the purposes of section 6(8)(c) of the 2006 Act (prescribed information to accompany application for an ID card) is the information prescribed by regulation 5 in so far as it is relevant to that application.

(2) Subject to paragraph (3), where an application by an individual for the issue of an ID card confirms (with or without changes) the contents of an entry already made in the Register for that