STATUTORY INSTRUMENTS

2009 No. 2572

IDENTITY CARDS

The Identity Cards Act 2006 (Entitlement to be Registered) Regulations 2009

Made - - - -	*23rd September 2009*
Laid before Parliament	*25th September 2009*
Coming into force - -	*20th October 2009*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 2(2)(b) and (3)(c) and 42(1)(**a**) of the Identity Cards Act 2006(**b**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Identity Cards Act 2006 (Entitlement to be Registered) Regulations 2009 and shall come into force on 20th October 2009.

(2) In these Regulations—

"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;

"relevant time" means the time when the person makes an application to be entered in the Register or for the issue of an ID card; and

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

"the 2006 Act" means the Identity Cards Act 2006.

Prescribed description

2.—(1) An individual who has resided in the United Kingdom or is proposing to enter the United Kingdom who—

(a) does not come within section 2(2)(a) of the 2006 Act;

(b) has attained the age of 16; and

(c) falls within paragraph (2),

is an individual of a description prescribed for the purposes of section 2(2)(b) of the 2006 Act.

(2) An individual will fall within this paragraph if at the relevant time that individual—

(a) holds an airside pass;

(**a**) See definition of "prescribed".
(**b**) 2006 c.15.
(**c**) 1982 c. 36; section 11A was inserted by section 8(1) of, and paragraph 3 of Schedule 1 to, the Aviation and Maritime Security Act 1990 (c. 31).

(b) holds employment for which such a pass is required; or

(c) has been offered employment for which such a pass is required.

Exclusion from an entitlement to be registered

3. An individual who is residing in the United Kingdom despite having no entitlement to remain there is excluded from an entitlement to be registered.

Home Office
23rd September 2009

Bill Brett
Parliamentary Under-Secretary of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 2(2) of the Identity Cards Act 2006 ("the 2006 Act") makes provision in respect of who is entitled to be entered on the National Identity Register. Section 2(2)(b) provides a power for the Secretary of State to prescribe a description of individuals who have resided in or are proposing to enter the United Kingdom who will also be entitled to be registered.

The effect of regulation 2 is that an individual who is not residing at a place in the United Kingdom, is 16 or over and is proposing to enter the United Kingdom or has resided in the United, will be entitled to be registered if that individual (a) holds an airside pass, (b) holds employment for which such a pass is required, or (c) has been offered employment for which such a pass is required.

Section 2(3)(c) of the 2006 Act creates a power for the Secretary of State to provide by regulations that an individual is to be excluded from an entitlement to be registered if the individual is residing in the United Kingdom despite having no entitlement to remain there. Regulation 3 makes provision to that effect.

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