

Identity Cards Bill

COMMONS AMENDMENTS AND REASONS

[The page and line references are to HL Bill 28, the bill as first printed for the Lords.]

Clause 1

LORDS AMENDMENT NO. 1

- 1** Page 1, line 3, at beginning insert “Subject to section (*Commencement: report on costs and benefits*),”

COMMONS DISAGREEMENT AND AMENDMENT IN LIEU

The Commons disagree to Lords Amendments Nos. 1, 68, 69 and 70, but propose Amendment 70A in lieu.

LORDS AMENDMENT NO. 3

- 3** Page 1, line 12, leave out “or” and insert “recorded, stored and”

COMMONS DISAGREEMENT AND AMENDMENT IN LIEU

The Commons disagree to this Amendment, but propose Amendment 3A in lieu –

- 3A** Page 1, line 7, after “a” insert “secure and reliable”

LORDS AMENDMENT NO. 4

- 4** Page 2, line 3, leave out “securing the efficient and effective provision of” and insert “preventing illegal or fraudulent access to”

COMMONS DISAGREEMENT AND REASON

The Commons disagree to this Amendment for the following Reason –

- 4A** *Because the Commons do not consider it appropriate to limit, as provided for by the Amendment, the circumstances in which something is to be regarded as necessary in the public interest*

Clause 5

LORDS AMENDMENT NO. 16

- 16** Page 4, line 44, leave out “must” and insert “may, if the individual so chooses,”

COMMONS DISAGREEMENT AND REASON

The Commons disagree to this Amendment for the following Reason –

- 16A** *Because the Commons consider it appropriate that a person applying for a designated document be required at the same time to apply to be entered in the Register and to have an ID Card issued to him*

Clause 8

LORDS AMENDMENT NO. 21

- 21** Page 7, line 28, leave out “or is subject to compulsory registration”

COMMONS DISAGREEMENT AND AMENDMENT IN LIEU

The Commons disagree to this Amendment, but propose Amendment 21A in lieu –

- 21A** Page 37, line 34, leave out from “required” to end of line 35 and insert “to be entered in the Register in accordance with an obligation imposed by an Act of Parliament passed after the passing of this Act.”

LORDS AMENDMENT NO. 22

- 22** Page 7, line 42, leave out “must” and insert “may, if the individual so chooses,”

COMMONS DISAGREEMENT AND REASON

The Commons disagree to this Amendment for the following Reason –

- 22A** *Because the Commons consider it appropriate that a person applying for a designated document be required at the same time to apply to be entered in the Register and to have an ID Card issued to him*

Clause 24

LORDS AMENDMENT NO. 47

- 47** Page 21, line 13, at end insert –
“() There shall be a Commissioner appointed by Her Majesty.”

COMMONS DISAGREEMENT AND REASON

The Commons disagree to this Amendment for the following Reason –

- 47A** *Because it is appropriate for the Secretary of State to appoint the National Identity Scheme Commissioner and to receive his reports*

LORDS AMENDMENT NO. 48

- 48** Page 21, line 14, leave out “Secretary of State must appoint a Commissioner to” and insert “Commissioner shall”

COMMONS DISAGREEMENT AND REASON

The Commons disagree to this Amendment for the following Reason –

- 48A** *Because it is appropriate for the Secretary of State to appoint the National Identity Scheme Commissioner and to receive his reports*

Clause 25

LORDS AMENDMENT NO. 50

- 50** Page 22, line 16, leave out “make a report to the Secretary of State” and insert “lay before each House of Parliament a general report”

COMMONS DISAGREEMENT AND REASON

The Commons disagree to this Amendment for the following Reason –

- 50A** *Because it is appropriate for the Secretary of State to appoint the National Identity Scheme Commissioner and to receive his reports*

LORDS AMENDMENT NO. 51

- 51** Page 22, line 18, leave out subsections (2) to (5) and insert –

- “() The Commissioner may also, at any time, lay before Parliament such other reports on any matter relating to the carrying out of those functions as the Commissioner sees fit.
- () If it appears to the Commissioner, after consultation with the Secretary of State, that the publication of a particular matter contained in a report under this section would be prejudicial to –
- (a) national security, or
 - (b) the prevention or detection of crime,
- the Commissioner must exclude that matter from the copy of the report that he lays before Parliament.
- () Where the Commissioner excludes from publication any matter under the provisions of this section, he must make a report on that matter to the Secretary of State.”

COMMONS DISAGREEMENT AND REASON

The Commons disagree to this Amendment for the following Reason –

- 51A** *Because it is appropriate for the Secretary of State to appoint the National Identity Scheme Commissioner and to receive his reports*

Clause 45

LORDS AMENDMENT NO. 68

- 68 Page 39, line 12, at beginning insert “Subject to section (*Commencement: report on costs and benefits*),”

COMMONS DISAGREEMENT AND AMENDMENT IN LIEU

The Commons disagree to Lords Amendments Nos. 1, 68, 69 and 70, but propose Amendment 70A in lieu.

LORDS AMENDMENT NO. 69

- 69 Page 39, line 12, after “section” insert “, section (*Commencement: report on costs and benefits*),”

COMMONS DISAGREEMENT AND AMENDMENT IN LIEU

The Commons disagree to Lords Amendments Nos. 1, 68, 69 and 70, but propose Amendment 70A in lieu.

After Clause 45

LORDS AMENDMENT NO. 70

- 70 Insert the following new Clause—

“Commencement: report on costs and benefits

- (1) No provision of this Act, except sections 38, 39, 45 and this section, shall be brought into force until the Secretary of State has laid before Parliament a report in accordance with subsection (2) and that report has been approved by the House of Commons.
- (2) The report shall contain—
 - (a) a detailed estimate of the revenue and capital costs arising from this Act (“the cost estimate”); and
 - (b) a statement of the expected benefits of this Act.
- (3) The cost estimate shall cover costs incurred by the bodies specified in subsection (6) and shall comprise—
 - (a) a statement in the format of resource accounts as defined in the Government Resources and Accounts Act 2000 (c. 20);
 - (b) a statement of cash expenditures;
 - (c) a statement setting out the material assumptions that have been made in preparing the cost estimate.
- (4) The cost estimate shall include—
 - (a) the actual costs incurred in the period from 26th April 2004 to the date to which the cost estimate is prepared; and
 - (b) the costs that are estimated to be incurred during a period of 10 years after the date to which the estimate is prepared or such longer future period as shall be determined by the Secretary of State.

- (5) The cost estimate shall be analysed into each of the financial years ending 31st March covered by the cost estimate.
- (6) The bodies referred to in subsection (3) are –
 - (a) all Government departments or agencies;
 - (b) any other person who carries out functions under this Act;and for the avoidance of doubt it is hereby declared that “Government departments or agencies” includes any Northern Ireland department and the National Assembly for Wales.
- (7) The cost estimate shall be examined by the Comptroller and Auditor General who shall prepare a report on it and shall lay the report before Parliament.”

COMMONS DISAGREEMENT AND AMENDMENT IN LIEU

The Commons disagree to Lords Amendments Nos. 1, 68, 69 and 70, but propose Amendment 70A in lieu –

70A Page 33, line 19, at end insert the following new Clause: –

“Report to Parliament about likely costs of ID cards scheme

- (1) Before the end of the six months beginning with the day on which this Act is passed, the Secretary of State must prepare and lay before Parliament a report setting out his estimate of the public expenditure likely to be incurred on the ID cards scheme during the ten years beginning with the laying of the report.
- (2) Before the end of every six months beginning with the laying of a report under this section, the Secretary of State must prepare and lay before Parliament a further report setting out his estimate of the public expenditure likely to be incurred on the ID cards scheme during the ten years beginning with the end of those six months.
- (3) References in this section, in relation to any period of ten years, to the public expenditure likely to be incurred on the ID cards scheme are references to the expenditure likely to be incurred over that period by the Secretary of State and designated documents authorities on –
 - (a) the establishment and maintenance of the Register;
 - (b) the issue, modification, renewal, replacement, re-issue and surrender of ID cards;
 - (c) the provision to persons by the Secretary of State of information recorded in individuals’ entries in the Register.
- (4) If it appears to the Secretary of State that it would be prejudicial to securing the best value from the use of public money to publish any matter by including it in his next report under this section, he may exclude that matter from that report.”