



HOUSE OF LORDS

Library Note

Identity Documents Bill (HL Bill 19 of 2010–11)

This short Library Note provides information regarding the Identity Documents Bill (HL Bill 19 of 2010–11) which is due for Second Reading in the House of Lords on 18 October 2010. The Note is intended to be read in conjunction with the House of Commons Research Papers *Identity Documents Bill* (4 June 2010, RP 10/41) and *Identity Documents Bill: Committee Stage Report* (18 August 2010, RP 10/52), which provide background information and summarise proceedings in the Commons at Second Reading and Committee Stage. This Note summarises proceedings at the Bill's final stages in the Commons.

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1. Introduction

The Identity Documents Bill (HL Bill 19 of session 2010–11) provides for the abolition of national identity cards and the National Identity Register; it repeals the Identity Cards Act 2006. It also allows for the re-enactment of certain provisions of the 2006 Act, unrelated to identity cards, which cover offences relating to the possession, use and manufacture of false identity documents such as passports and driving licenses. The Bill does not allow for refunds to existing cardholders. The Bill also re-enacts data-sharing provisions in the 2006 Act designed to verify information provided in connection with passport applications. Identification cards for non-EEA nationals are not affected by the provisions.

The Bill was read for a first time in the House of Lords on 5 October 2010; it is due for Second Reading on 18 October 2010. The House of Commons Library has produced two Research Papers covering the background to the Bill and its passage through the Commons up to Committee Stage: [Identity Documents Bill](#) (4 June 2010, RP 10/41) and [Identity Documents Bill: Committee Stage Report](#) (18 August 2010, RP 10/52). This Note therefore provides details of debate on the Bill during Report and Third Reading in the House of Commons.

The Bill received only minor Government amendments at Report Stage and was passed at Third Reading. Two opposition amendments were defeated on division, while other amendments were withdrawn. These are described in the sections below.

2. Transgendered People

New Clause 1 sought to provide transgendered people with two copies of a passport or some other identity document of comparable standing, one in the birth gender of the person and the other in the acquired gender. It allowed for any identity cards which have been issued to a transgendered person to remain valid until expiry or until another system was in place. This was an issue raised at the Committee Stage of the Bill and reflected the need of transgendered people, at least for a period, to live their lives with two genders at different times. The Identity Cards Act 2006 had allowed transgendered people to have two identity cards (one of which would be travel-enabled) and Julie Hilling (Labour) who tabled the amendment expressed concern that the removal of identity cards would negatively impact on the transgender community. While acknowledging concerns, Lynne Featherstone, Parliamentary Under-Secretary of State at the Equalities Office, noted the security and immigration control issues created by issuing two passports. She argued that potential additional difficulties could be created for the transgender community through the amendment as only transgendered people would have identity cards, causing additional attention and focus. The Government announced it was producing the first action plan on transgender equality and noted aims to consult on removing gender identifiers from passports in the coming months. The new clause was withdrawn.

3. Passport Fees for Identity Card Holders

New Clause 2, moved by the Opposition, allowed for holders of an identity card who had paid a fee to receive it (around 11,000 of the 14,670 cards issued were paid for) to receive a £30 fee reduction the first time they applied for a passport following the enactment of the Bill. The clause reflected concern from the Opposition, voiced during Committee Stage, that there was no provision in the bill to refund holders of identity cards which would, following the enactment of the Bill, no longer be valid. The Shadow Minister noted that the new clause was necessary as there was no money resolution attached to the Bill to allow the Opposition to press for a refund to be allowed and highlighted the “mean-spirited” nature of the Bill. Responding to the proposed clause, Damian Green, the Minister of State for Immigration, stressed that the proposed credit would be unfair to taxpayers:

We debated this extensively in Committee, and I recognise that £30 is a significant sum to many people, particularly those who are struggling economically in these difficult times, when the Government have had to absorb a terrible economic inheritance from their predecessor... During the debate, several of my Hon. Friends asked how much the cancellation would cost, and the answer is about £400,000. As I have illustrated, enough has been spent on the scheme and the taxpayer should not face a further bill of the best part of half a million pounds. That is why we have been clear that refunds will not be offered.

(*HC Hansard*, [15 September 2010](#), cols 943–4)

The new clause was defeated in a vote.

4. Transfer of Data

New Clause 4 was put forward by the Opposition as a possible alternative to New Clause 2 and sought to allow card holders’ data, subject to the agreement of individual cardholders, to be migrated to the passport database. This, coupled with Amendments 5 and 6, would allow identity cards to remain valid for 10 years and continue to be used as passports. The Minister, Damian Green, noted the practical difficulties of maintaining identity card records for many years to come and reiterated his opposition to retaining personal and biometric data for any reason.

Meg Hillier, for the Opposition, stated:

We recognise that that is not a perfect solution, because with few cards already out there and, given all the points that we rehearsed in Committee about someone’s ability to recognise the document, there might still be issues. However, that would represent a choice for the individual who had paid their £30 to have the card.

(*HC Hansard*, [15 September 2010](#), col 922)

New Clause 4 was also defeated in a vote.

5. Destruction of Data from the National Identity Register

Proposed amendments to Clause 3, regarding the destruction of information recorded in the National Identity Register, required the Secretary of State within four months of Royal Assent to present to Parliament a report identifying information destroyed from the National Identity Register. This amendment was discussed with the Minister, Damian Green, stating that work with contractors to destroy the data was being finalised and Parliament would be informed by way of written ministerial statements about both the process and delivery of destruction. This would be carried out within two months and as soon as possible after Royal Assent. The amendments were not made.

6. Technical Amendments

The Government made technical amendments to Clause 1 of the Bill and amendments to the wording of Clause 10, something the Government had undertaken to consider during the Committee Stage. The amendments to Clause 10 of the Bill place a statutory limitation on the purposes for which information can be obtained by the Secretary of State to passport applications and place a requirement on the Secretary of State to destroy any information obtained under the clause within 28 days of the passport being issued.

7. Third Reading

During the Third Reading debate on 15 September 2010, the Minister of State for Immigration, Damian Green, stressed the historic nature of the Bill in marking a shift in direction in the relationship between the state and the citizen in the UK. He paid tribute to Members on both sides of the House who supported the Bill and those pressure groups such as Liberty, Justice and NO2ID which were involved in the passage of the Bill.

Meg Hillier, for the Opposition, noted that the Bill did not allow the Government to collect biometric data, such as fingerprints, stating that British passports would fall behind international standards relatively quickly. She expressed hope that the Government would revisit the issue of biometric data for passports. The issues of identity documents for transgendered people and recompense for those who purchased identity cards were also raised, reflecting the amendments proposed at Report Stage.

While congratulating the Immigration Minister on his dedicated work while in opposition, David Blunkett (Labour) stressed the importance of moving with the international community in using biometric data for international passport purposes. Keith Vaz (Labour) stressed again the issue of destruction of data, and stated that the Select Committee on Home Affairs would be writing to Damian Green in two months time. Tom Brake (Liberal Democrat) welcomed the passage of the Bill as the first stage in a much wider programme, while Pete Wishart (SNP) praised the removal of identity cards and expressed hope that the Labour party would “come home to its civil libertarian past” while in opposition.

The Bill was accordingly read a third time and passed without a vote.

