

CHAPTER 258

IDENTITY CARD AND OTHER IDENTITY
DOCUMENTS ACT*Substituted by;
L.N. 308 of 2012.**To make provision for and in respect of identity cards and to provide for matters ancillary to or connected therewith.*

1st January, 2013*

1st July, 2013†

ACT LI of 1975, as amended by Acts [XXVI of 1981](#), [XIII of 1983](#) and [XI of 1993](#); [Legal Notice 423 of 2007](#); and [Act III of 2008](#). This Act was substituted by means of [LEGAL NOTICE 308 of 2012](#) (made under the provisions of the European Union Act), as amended by [Legal Notice 426 of 2012](#) and [Act XV of 2014](#).

1. The short title of this Act is the Identity Card and other Identity Documents Act. Short title.

2. In this Act, unless the context otherwise requires - Definitions.

"asylum seeker" means a person who has made an application for asylum in terms of the [International Protection Act](#); Cap. 420.

"authorised officer" means the public officer designated by the Prime Minister as the person authorized to issue identity documents, and, to the extent of any power delegated as hereinafter provided, includes any person delegated for the purpose by the public officer designated as the authorised officer;

"failed asylum seeker" means a person whose application for asylum has been refused in terms of the [International Protection Act](#); Cap. 420.

"holder", in relation to an identity document, means the person in respect of whom it is issued;

"identity card" means a document issued under Part A;

"identity document" means an identity card, a residence document and an identification document issued under this Act;

"identification document" means a document issued under Part C;

"prescribed" means prescribed by regulations under this Act, the [Immigration Act](#) or the [International Protection Act](#), as the case may be; Cap. 217.
Cap. 420.

"residence document" means any document issued under Part B;

"Tribunal" means the Administrative Review Tribunal established by article 5 of the [Administrative Justice Act](#). Cap. 490.

*See article 1(2) as promulgated by [L.N. 308 of 2012](#), and as originally enacted, which has been omitted under the [Statute Law Revision Act](#), 1980, and [Legal Notice 466 of 2012](#).

† Articles 10(2) and 10 (3) came into force. See [Legal Notice 466 of 2012](#).

Issuance of
identification
documents to
various classes.

3. In addition to identity documents as defined in article 2, the authorised officer may issue documents which shall serve as a means to identify such class or classes of persons as may be prescribed.

Part A IDENTITY CARDS

Possession of
identity cards.
Substituted by:
XV. 2014.2.

4. Every Maltese national over the age of fourteen years shall be in possession of a valid identity card and for this purpose he shall make application therefor in accordance with the provisions of this Act not later than one month after his fourteenth birthday. In the case of Maltese nationals returning to Malta with the intention of setting up permanent residence, these shall make an application for the issue of a new identity card not later than one month after their return to Malta.

Issue and contents
of identity cards.
Amended by:
XV. 2014.3.

5. (1) Identity cards shall be issued by the authorised officer and shall be authenticated as may be prescribed.

(2) An identity card shall contain a photograph of the person in respect of whom it is issued which in the opinion of the authorised officer truly resembles such person at the time the identity card is issued and shall indicate the date on which its validity commences and expires, and an identifying number of the holder which may either be his act of birth number as given by the Public Registry or any other number as may be assigned to him by the authorised officer. It shall moreover contain the signature of the holder or a reproduction of a recent signature of the holder, and also the following particulars concerning such person:

- (a) name and surname;
- (b) the address of the principal place of residence in Malta;
- (c) sex;
- (d) nationality;
- (e) place and date of birth,

and may include such other particulars or information as the authorised officer may deem appropriate:

Provided that the card may also include a name and, or surname by which the person is commonly known, which name and, or surname is to be indicated by the words "known as" at the discretion of the authorised officer. The inclusion of the words "known as" preceding a name and, or surname shall only be permitted if the authorised officer is satisfied that there are sufficient grounds to merit their inclusion. The decision of the authorised officer shall be based on the prescribed criteria.

(3) An identity card shall be made of such material and in such manner as in the opinion of the authorised officer provide adequate security against forgery, tampering or alteration thereof, and it shall, in any case, include a limited area where machine readable coded information may be inserted to enable the electronic

identification of the holder and which information may include information relevant to the holder's biometric data as may be prescribed.

(4) The use of any biometric data as may be captured may only be used as a means with which to identify a person during a transaction in which that person is engaged and the use of such identity verification shall require the consent of the holder. The use of such biometric data for any other purpose including criminal investigation is prohibited and shall constitute a breach of the [Data Protection Act](#).

Cap. 586.

6. (1) A person who feels aggrieved by the illegal use or processing of his personal biometric data may apply, for redress, to the authorised officer.

Illegal use of data.

(2) Without prejudice to the foregoing provisions of this Act, the Tribunal shall have jurisdiction to hear and determine all appeals made by a person aggrieved by a decision given by the authorised officer regarding the illegal use or processing of personal biometric data.

(3) The Tribunal may require the authorised officer to provide the Tribunal with such information or advice as the Tribunal may deem necessary for the proper execution of its functions.

(4) An appeal from a decision of the authorised officer as aforesaid shall be made by application and shall be filed with the Secretary of the Tribunal within twenty days from the date on which the said decision has been notified.

(5) The provisions of the [Administrative Justice Act](#), in so far as they apply to the Administrative Review Tribunal, shall apply to any proceedings before the said Tribunal and the words "public administration" in the said enactment shall be construed as a reference to the authorised officer.

Cap. 490.

7. (1) An identity card shall remain valid for a maximum period of ten years or such other period as may be prescribed:

Validity of, and application for an identity card.

Provided that the Prime Minister may at any time (other than the period between the dissolution of Parliament and the conclusion of the first general election held after such dissolution), by notice in the Gazette terminate, in such manner and on such date or dates as he may deem appropriate, the validity of all or any number of identity cards:

Provided further that where an identity card has been issued in respect of a Maltese national under the age of sixteen or eighteen years, such identity card shall cease to be valid upon the sixteenth or eighteenth birthday of the holder thereof, as the case may be. Such holder shall be obliged to seek to have his identity card reissued not later than one month after his sixteenth or eighteenth birthday.

(2) Where the holder of an identity card is a person to whom article 4 applies, such person shall, not later than one month prior to the expiration of the validity of the identity card, or not later

than one month after the termination of the validity of the identity card, as the case may require, apply for a new identity card in accordance with the provisions of this Act and shall surrender the invalid card for a new one.

Withdrawal and
change of identity
card.

Amended by:
XV. 2014.4.

8. The authorised officer may cause the cancellation of an identity card and request the holder of an identity card to surrender such card so that another card with travel limitations and, or electronic signing restrictions be issued. This shall take place in any of the following cases, where:

- (a) there is in force an order issued by a court or tribunal established by law, prohibiting the holder from leaving Malta without requesting authorisation of such court or tribunal;
- (b) the holder has accepted to be released on bail under a condition not to leave Malta without the authorisation of any Court or tribunal;
- (c) the holder has been released from detention by the Executive Police under the condition not to leave Malta without the authorisation of the investigating officer under article 355AL of the [Criminal Code](#);
- (d) the holder is unable to assume responsibility for his actions, in terms of an order issued by a court or tribunal established by law, or an order made by any authority that has a legal right in this regard.

Cap. 9.

Part B

RESIDENCE DOCUMENTS AND OTHER DOCUMENTS

Possession of
residence
documents.
Cap. 217.
Cap. 420.

9. (1) Every person residing in Malta but who is not a Maltese national, an asylum seeker or a failed asylum seeker, shall be in possession of a valid residence document issued in accordance with the provisions of the [Immigration Act](#) or the [International Protection Act](#).

(2) An asylum seeker or a failed asylum seeker resident in Malta shall be in possession of a document issued in terms of the [Immigration Act](#), the [International Protection Act](#) or any regulations made thereunder, as the case may be.

Cap. 217.
Cap. 420.

Issue and contents
of residence
documents.

10. (1) Residence documents as referred to in article 9, shall be issued by the authorised officer and shall be authenticated as may be prescribed.

(2) A residence document shall contain a photograph of the person in respect of whom it is issued which, in the opinion of the authorised officer, truly resembles such person at the time the residence document is issued. It shall moreover contain the signature of the holder or a reproduction of a recent signature of the holder, and also the following particulars concerning such person:

- (a) name and surname;
- (b) the address of the principal place of residence;
- (c) nationality;

(d) place and date of birth,

and may include such other particulars or information as the authorised officer may deem appropriate.

(3) A residence document shall be made of such material and in such manner as in the opinion of the authorised officer, or as established by law, provide adequate security against forgery, tampering or alteration thereof, and it shall, in any case, include a limited area where machine readable coded information may be inserted to enable the electronic identification of the holder.

(4) The use of any information captured during the residence document issuance process may only be used for the purposes of the [Immigration Act](#), the [International Protection Act](#) and any related subsidiary legislation.

Cap. 217.
Cap. 420.

(5) Without prejudice to the foregoing provisions of this Act, the provisions of article 6(2), (3), (4) and (5) shall, *mutatis mutandis*, apply to persons who feel aggrieved by the illegal use or processing of their personal information.

11. The validity of a residence document shall be regulated by the provisions of the [Immigration Act](#), the [International Protection Act](#) and related subsidiary legislation or as may be determined by the Authorised Officer.

Validity of, and
application for
residence
documents.
Cap. 217.
Cap. 420.

12. The authorised officer may cause the cancellation of a residence document and request the holder of a residence document to surrender such document so that another document with electronic signing restrictions be issued. This shall take place when there is a court judgement that determines the holder's inability to assume signing responsibility.

Withdrawal and
change of
residence
document.

Part C

IDENTIFICATION DOCUMENTS

13. Every asylum seeker and failed asylum seeker shall be in possession of a valid identification document issued in accordance with the [Immigration Act](#), the [International Protection Act](#) or any regulations made thereunder, as the case may be.

Possession of
identification
documents.
Cap. 217.
Cap. 420.

14. (1) Identification documents shall be issued by the authorised officer and shall be authenticated as may be prescribed.

Issue and contents
of identification
documents.

(2) An identification document shall contain a photograph of the person in respect of whom it is issued which in the opinion of the authorised officer truly resembles such person at the time the residence document is issued and shall indicate the date on which its validity commences and expires. It shall moreover, contain the signature of the holder or a reproduction of a recent signature of the holder, and also the following particulars concerning such person:

- (a) name and surname;
- (b) the address of the principal place of residence;
- (c) nationality;
- (d) place and date of birth,

and may include such other particulars or information as the authorised officer may deem appropriate.

(3) An identification document shall be made of such material and in such manner as in the opinion of the authorised officer provide adequate security against forgery, tampering or alteration thereof, and it may, in any case, include a limited area where machine readable coded information may be inserted to enable the electronic identification of the holder.

(4) The use of any information captured during the identification document issuance process may only be used for the purposes of the [Immigration Act](#) and the [International Protection Act](#):

Cap. 217.
Cap. 420.

Provided that it shall be unlawful for the holder of such document to allow its use by anyone else.

Validity of, and
application for
identification
documents.

15. The validity of an identification document shall be regulated by the provisions of the [Immigration Act](#), the [International Protection Act](#) and regulations made thereunder or as may be determined by the authorised officer.

Part D MISCELLANEOUS

Application for
identity
documents.

16. (1) An application for the issue of an identity document shall be made on such form as may be provided by the authorised officer or as may be prescribed and shall contain such information and particulars and shall be accompanied by any documents as may be required by the authorised officer or as may be prescribed. Any requirement resulting from any form referred to in this article shall be deemed to be a requirement by the authorised officer made under this article.

(2) An application shall be required by the authorised officer to be made at a place or places indicated by him, or as may be prescribed, and shall also be required to be made in person.

Safe custody of
documents.

17. (1) Every person to whom an identity document has been issued shall keep it in his safe custody and shall produce it on demand, or as may be prescribed, or as may be required by any enactment, and, where so required by any enactment, deliver it to any lawful authority:

Provided that a person shall not be required to deliver a valid identity document unless he is given a receipt therefor by the person requiring its delivery.

(2) For the purposes of this article "lawful authority" means a person or authority authorised by law to require the production or delivery of an identity document.

(3) Any member of the police force may require any person to whom an identity document has been issued to produce that document on demand or, if it is not practicable for the person so required to produce it on demand, not later than twenty-four hours, or at an earlier time which may be established, to produce such document after the demand is made.

(4) Where a person has delivered a valid identity document to a lawful authority as provided in this article, the receipt given to him in respect thereof shall, until he is again in possession of his identity card, be sufficient evidence that he possesses a valid identity document.

18. An identity document which has not been tampered with shall, unless its validity expires or is terminated, be evidence of the identity of the holder as shown on the document, and shall be accepted as such by every public officer or authority and by every other person.

Document to be evidence of identity of holder.

19. (1) Whenever for any reason any of the particulars or any other information contained in an identity document is or becomes incorrect, the holder of the document shall, without delay, report the fact to the authorised officer and shall surrender the incorrect document to, and give all such information as may be required by, that officer.

Incorrect particulars on document.

(2) The officer shall thereafter cause the document to be indelibly marked as "Withdrawn as Incorrect" and, or destroyed and shall issue another document in substitution therefor.

20. (1) If an identity document is lost, stolen, destroyed or defaced, the holder of that document shall, without delay, report the fact to the authorised officer and, in the case of a defaced document, shall surrender the defaced document to that officer.

Loss, destruction, etc., of document.

(2) Upon an application for the issue of an identity document in substitution of a document lost, stolen, destroyed or defaced, and upon the payment of any applicable fee as may be prescribed, the authorised officer, if satisfied that the document has been lost, destroyed or defaced and, in the case of a defaced document, that it has been surrendered as required by this Act, shall issue a fresh document.

(3) Except as provided in subarticle (2), or unless the authorised officer is of the opinion that he should, subject to any conditions he may deem appropriate, act otherwise in the circumstances, no identity document shall be issued in respect of the same person unless all documents previously issued in respect of that person, including a document the validity of which has expired, have been surrendered to that officer.

(4) For the purposes of this article an identity document shall be treated as lost if the authorised officer is satisfied that it is not recoverable.

21. Without prejudice to the provisions of articles 5(2), 10(2) and 14(2) relating to the signature of the holder, no person other than the authorised officer shall make any mark or entry upon, or erase, cancel, alter or substitute any mark or entry made upon, or otherwise deface or destroy, an identity document.

Entries on document.
Amended by:
L.N. 426 of 2012.

22. (1) No person other than the holder thereof, or the agent of the holder in the carrying out of any requirement of this Act or of any other law on behalf of the holder, shall have in his possession,

Use and possession of document restricted to holder, etc.

or make any use whatever of, any identity document.

(2) Any person who comes into possession of an identity document issued to some other person shall forthwith deliver or forward it to the holder thereof or to the authorised officer.

(3) Any person who through deceit or omission from reporting the retrieval of a document previously reported as lost, stolen or destroyed has in his possession more than one identity document issued in respect of him shall without delay and in person produce such documents to the authorised officer and shall surrender to him such one or more of the documents as that officer shall require.

Power to make regulations.

23. The Prime Minister may make regulations for prescribing anything which is required or authorised by this Act to be prescribed and for carrying into full effect the provisions of this Act.

Offences and penalties.
Cap. 217.
Cap. 420.

24. (1) Without prejudice to the provisions of subarticle (2), the [Immigration Act](#) and the [International Protection Act](#), and of any higher punishments therein provided, any person who contravenes or fails to comply with any of the provisions of this Act, or of any regulations made thereunder, or of any requirement of the authorised officer, shall, in respect of each offence, be liable to a fine (*multa*) as may be prescribed or to an administrative penalty as may be established for each day during which the offence continues.

(2) Any person who -

- (a) with intent to deceive contravenes any of the provisions of article 21 or of article 22(1); or
- (b) makes any false statement, or gives any false information, or produces any false document, for any of the purposes of this Act, knowing the same to be false; or
- (c) forges an identity document or any other document whatsoever required by, or intended for, any of the purposes of this Act; or
- (d) aids or abets the commission of any offence against the foregoing paragraphs of this subarticle,

shall be liable on conviction to imprisonment for a period of not less than two years and not exceeding five years.

Saving.
Cap. 258.

25.* (1) Any action prescribed and taken under the Identity Card Act, hereinafter referred to as the "repealed Act" and any pending criminal proceedings in respect of offences provided for in the repealed Act, shall continue to be so prescribed, taken and treated under this Act, and the provisions of this Act shall, *mutatis mutandis*, apply in respect of such prescribed action and any pending criminal proceedings.

(2) Notwithstanding the provisions of subarticle (1), all subsidiary legislation made under the repealed Act shall continue in

*the original article 25 has been omitted under the [Statute Law Revision Act](#), 1980.

force and shall have effect as if made under this Act, and may be amended or revoked accordingly.
