

Identity Documents

This file contains two directions;

- 1, Identity Document with intent (only issue knowledge of belief that it was improperly obtained)
- 2, Identity Document with intent (only issue intent)

Identity Document with intent (only issue knowledge of belief that it was improperly obtained)

Possession of a False Identity Document with intent

There are three parts of this offence which the prosecution must make you sure of before you can find the defendant guilty.

(a) the defendant had in her possession or under her control an identity document that was false

The defendant's [driving licence] is an identity document.

There is no doubt that that [driving licence] was false. The defence agree this.

There is also no doubt that the defendant had the [driving licence] in her possession when she took it [to the police station.]

So, this first part of the offence is one which you do not really have to consider.

(b) she knew or believed to be false

This is the key point of the case.

The prosecution say that the defendant must have known or believed that it was false.

The defendant denies this. She says that she did not know or believe that it was false.

She says that she thought she had obtained it legitimately ****.

The prosecution have to make you sure that she either knew or believed that the licence was false.

The words "know" and "believe" are ordinary English words. They have no special legal meaning.

Obviously, we cannot in any literal sense see into someone else's mind. So, the law is that you can infer such a knowledge or belief. When considering this, you must have regard to all the evidence.

(c) with the intention of using the document for establishing registrable facts about himself

This is not disputed.

The defendant used the licence [in the police station] to establish her identity when required to so by ****.

So again, this is an aspect of the offence which you do not really have to consider.

So, the key question for you to answer, having regard to all the evidence and the directions which I give you is this

Did the defendant know or believe that the [driving licence] was false?

If you are sure that the answer is "yes", she is guilty. If the answer may be "no" she is not guilty.

Identity Document with intent (only issue intent)

Possession of a false identity document with intent

This count or charge relates to the false ** passport in the name of **.

A person commits an offence if she

- has in her possession or under her control an identity document which is false and which she knows to be false
- with the intention of establishing registrable facts about another person.

A passport is an identity document.

In this case, “establishing registrable facts” simply means “establishing a person’s identity”. The prosecution say that D** had it so that she could establish a false identity for X** so that she could **work to earn money which would go into a bank account controlled by D**. If that is right, she had the false passport with the intention of establishing registrable facts about C**.

D** accepts that the ** passport in the name of X** with C**’s photograph was false. She accepts that she knew it was false

She also accepts that it was in her possession or under her control. She says that she intended to take it to the police. If she only had it in her possession because she intended to take it to the police, that is a defence to this count.

So, the key question for you to answer in relation to Count *, having regard to all the evidence and the directions which I give you is

Did D** have the false passport so that C** could obtain employment and be paid wages?

If you are sure that the answer is “yes”, D** is guilty of Count *. If the answer may be “no”, if she may only have had the false passport so that she could give it to the police, she is not guilty of Count *.