



# Borders, Citizenship and Immigration Act 2009

## 2009 CHAPTER 11

### PART 1

#### BORDER FUNCTIONS

##### *Other provisions*

#### 34 Children

- (1) In section 21 of the UK Borders Act 2007 (c. 30) (code of practice relating to children), in subsection (1), for “the Border and Immigration Agency takes” substitute “ the persons listed in subsection (4A) take ”.
- (2) In subsection (2) of that section—
  - (a) for “The Agency” substitute “ Those persons ”,
  - (b) in paragraph (a), for “its” substitute “ their ”, and
  - (c) in paragraph (b), for “it makes” substitute “ they make ”.
- (3) After subsection (4) of that section insert—

“(4A) The persons are—

  - (a) designated customs officials, and officials of the Secretary of State exercising customs functions,
  - (b) immigration officers, and officials of the Secretary of State exercising functions relating to immigration, asylum or nationality,
  - (c) the Secretary of State in so far as the Secretary of State has general customs functions,
  - (d) the Secretary of State in so far as the Secretary of State has functions relating to immigration, asylum or nationality, and
  - (e) the Director of Border Revenue and any person exercising functions of the Director.”

---

**Changes to legislation:** *Borders, Citizenship and Immigration Act 2009, Section 34 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

---

- (4) In subsection (5) of that section omit paragraph (a).
- (5) After that subsection insert—
  - “(5A) In this section “customs function”, “designated customs official” and “general customs function” have the meanings given by Part 1 of the Borders, Citizenship and Immigration Act 2009.”
- (6) This section ceases to have effect on the coming into force of section 55 (duty regarding welfare of children).

**Changes to legislation:**

Borders, Citizenship and Immigration Act 2009, Section 34 is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 54A(3A)(3B) inserted by [2023 c. 37 s. 14](#)