



Immigration Act 2016

2016 CHAPTER 19

PART 5

SUPPORT ETC FOR CERTAIN CATEGORIES OF MIGRANT

Transfer of responsibility for relevant children

69 Transfer of responsibility for relevant children

- (1) This section applies in relation to a local authority in England (“the first authority”) if—
 - (a) the authority has functions under any of the provisions of or made under Part 3, 4 or 5 of the Children Act 1989 (support for children and families and care, supervision and protection of children) (“the relevant provisions”) in relation to a relevant child, or
 - (b) functions under any of the relevant provisions may be conferred on the authority in relation to a relevant child.
- (2) The first authority may make arrangements with another local authority in England (“the second authority”) under which—
 - (a) if this section applies to the authority by virtue of paragraph (a) of subsection (1), the functions mentioned in that paragraph become functions of the second authority in relation to the relevant child, and
 - (b) if this section applies to the authority by virtue of paragraph (b) of subsection (1), the functions mentioned in that paragraph become functions that may be conferred on the second authority in relation to the relevant child.
- (3) The effect of arrangements under this section is that, from the time at which the arrangements have effect in accordance with their terms—
 - (a) functions under the relevant provisions cease to be functions of, and may not be conferred on, the first authority in relation to the relevant child (“C”),
 - (b) any of the relevant provisions which immediately before that time applied in relation to C as a result of C’s connection with the first authority or the area

Status: This is the original version (as it was originally enacted).

- of the first authority have effect as if C had that connection with the second authority or the area of the second authority (if that would not otherwise be the case), and
- (c) C is to be treated for the purposes of the relevant provisions as if C were not and had never been ordinarily resident in the area of the first authority (if that would otherwise be the case).
- (4) Subsection (3)(b) is subject to any change in C’s circumstances after the time at which the arrangements have effect.
- (5) Nothing in subsection (3) affects any liability of the first authority in relation to C for any act or omission of the first authority before the time at which the arrangements have effect.
- (6) The Secretary of State may by regulations make further provision about the effect of arrangements under this section.
- (7) Arrangements under this section may not be brought to an end by the first or second authority once they have come into effect.
- (8) In this section “local authority” means a local authority within the meaning of the Children Act 1989 (see section 105(1) of that Act).
- (9) In this section “relevant child” means—
- (a) a person under the age of 18 who is unaccompanied and has made a protection claim which has not been determined,
 - (b) a person under the age of 18 who is unaccompanied and who—
 - (i) requires leave to enter or remain in the United Kingdom but does not have it, and
 - (ii) is a person of a kind specified in regulations made by the Secretary of State, or
 - (c) a person under the age of 18 who is unaccompanied and who—
 - (i) has leave to enter or remain in the United Kingdom, and
 - (ii) is a person of a kind specified in regulations made by the Secretary of State.
- (10) The Secretary of State may by regulations make provision about the meaning of “unaccompanied” for the purposes of subsection (9).
- (11) In subsection (9)—
- (a) “protection claim” has the meaning given by section 82(2) of the Nationality, Immigration and Asylum Act 2002, and
 - (b) the reference to a protection claim having been determined is to be construed in accordance with section 94(3) of the Immigration and Asylum Act 1999.