



Nationality and Borders Act 2022

2022 CHAPTER 36

PART 4

AGE ASSESSMENTS

49 Interpretation of Part etc

- (1) In this Part, “age-disputed person” means a person—
- (a) who requires leave to enter or remain in the United Kingdom (whether or not such leave has been given), and
 - (b) in relation to whom—
 - (i) a local authority,
 - (ii) a public authority specified in regulations under section 50(1)(b), or
 - (iii) the Secretary of State,has insufficient evidence to be sure of their age.
- (2) In this Part—
- “decision-maker” means a person who conducts an age assessment under section 50 or 51;
 - “designated person” means an official of the Secretary of State who is designated by the Secretary of State to conduct age assessments under section 50 or 51;
 - “immigration functions” means functions exercisable by virtue of the Immigration Acts;
 - “immigration officer” means a person appointed by the Secretary of State as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971;
 - “local authority”—
 - (a) in relation to England and Wales, means a local authority within the meaning of the Children Act 1989 (see section 105(1) of that Act),
 - (b) in relation to Scotland, means a council constituted under section 2 of the Local Government etc (Scotland) Act 1994, and

Changes to legislation: Nationality and Borders Act 2022, Section 49 is up to date with all changes known to be in force on or before 17 August 2023. 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

(c) in relation to Northern Ireland, means a Health and Social Care trust established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991 ([S.I. 1991/194 \(N.I. 1\)](#));

“public authority” means a public authority within the meaning of section 6 of the Human Rights Act 1998, other than a court or tribunal;

“specified scientific method” means a method used for assessing a person’s age which is specified in regulations under section 52(1).

(3) In this Part, “relevant children’s legislation” means—

- (a) in relation to a local authority in England, any provision of or made under Part 3, 4 or 5 of the Children Act 1989 (support for children and families; care and supervision; protection of children);
- (b) in relation to a local authority in Wales, Scotland or Northern Ireland, any statutory provision (including a provision passed or made after the coming into force of this Part) that confers a corresponding function on such an authority.

(4) In subsection (3)—

“corresponding function” means a function that corresponds to a function conferred on a local authority in England by or under Part 3, 4 or 5 of the Children Act 1989;

“statutory provision” means a provision made by or under—

- (a) an Act,
- (b) an Act of the Scottish Parliament,
- (c) an Act or Measure of Senedd Cymru, or
- (d) Northern Ireland legislation.

(5) In section 94 of the Immigration and Asylum Act 1999 (support for asylum-seekers: interpretation), for subsection (7) substitute—

“(7) For further provision as to the conduct of age assessments, which applies for the purposes of this Part, see Part 4 of the Nationality and Borders Act 2022.”

Commencement Information

I1 [S. 49\(1\)-\(4\)](#) in force at 28.6.2022, see [s. 87\(5\)\(g\)](#)

I2 [S. 49\(5\)](#) in force at 31.3.2023 by [S.I. 2023/283](#), [reg. 2\(a\)](#)

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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. 54(6)(c) and word inserted by [2023 c. 37 s. 57\(11\)\(b\)](#)
- s. 63(2A) inserted by [2023 c. 37 s. 29\(3\)](#)
- s. 63(3)(fa)(fb) inserted by [2023 c. 37 s. 29\(4\)\(b\)](#)
- s. 63(5A)(5B) inserted by [2023 c. 37 s. 29\(5\)](#)
- s. 63(8) inserted by [2023 c. 37 s. 28\(9\)](#)
- s. 65(8A) inserted by [2023 c. 37 s. 28\(12\)](#)