



# Nationality and Borders Act 2022

## 2022 CHAPTER 36

### PART 4

#### AGE ASSESSMENTS

#### **50 Persons subject to immigration control: referral or assessment by local authority etc**

- (1) The following authorities may refer an age-disputed person to a designated person for an age assessment under this section—
  - (a) a local authority;
  - (b) a public authority specified in regulations made by the Secretary of State.
- (2) Subsections (3) and (4) apply where—
  - (a) a local authority needs to know the age of an age-disputed person for the purposes of deciding whether or how to exercise any of its functions under relevant children's legislation in relation to the person, or
  - (b) the Secretary of State notifies a local authority in writing that the Secretary of State doubts that an age-disputed person in relation to whom the local authority has exercised or may exercise functions under relevant children's legislation is the age that they claim (or are claimed) to be.
- (3) The local authority must—
  - (a) refer the age-disputed person to a designated person for an age assessment under this section,
  - (b) conduct an age assessment on the age-disputed person itself and inform the Secretary of State in writing of the result of its assessment, or
  - (c) inform the Secretary of State in writing that it is satisfied that the person is the age they claim (or are claimed) to be, without the need for an age assessment.
- (4) Where a local authority—
  - (a) conducts an age assessment itself, or
  - (b) informs the Secretary of State that it is satisfied that an age-disputed person is the age they claim (or are claimed) to be,

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**Changes to legislation:** *Nationality and Borders Act 2022, Section 50 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*

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it must, on request from the Secretary of State, provide the Secretary of State with such evidence as the Secretary of State reasonably requires for the Secretary of State to consider the local authority's decision under subsection (3)(b) or (c).

- (5) Where a local authority refers an age-disputed person to a designated person for an age assessment under subsection (1) or (3)(a), the local authority must provide any assistance that the designated person reasonably requires from the authority for the purposes of conducting that assessment.
- (6) The standard of proof for an age assessment under this section is the balance of probabilities.
- (7) An age assessment of an age-disputed person conducted by a designated person following a referral from a local authority under subsection (1) or (3)(a) is binding—
  - (a) on the Secretary of State and immigration officers when exercising immigration functions, and
  - (b) on a local authority that—
    - (i) has exercised or may exercise functions under relevant children's legislation in relation to the age-disputed person, and
    - (ii) is aware of the age assessment conducted by the designated person.

But this is subject to section 54(5) (decision of Tribunal to be binding on Secretary of State and local authorities) and section 56 (new information following age assessment or appeal).

- (8) Regulations under subsection (1)(b) are subject to negative resolution procedure.

#### Commencement Information

**I1** S. 50 in force at Royal Assent for specified purposes, see [s. 87\(4\)\(e\)](#)

**I2** [S. 50](#) in force at 31.3.2023 in so far as not already in force by [S.I. 2023/283](#), [reg. 2\(b\)](#) (with [reg. 4](#))

**Changes to legislation:**

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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\(12\)](#)