



Nationality and Borders Act 2022

2022 CHAPTER 36

PART 4

AGE ASSESSMENTS

PROSPECTIVE

55 Appeals relating to age assessments: supplementary

- (1) This section applies to an appeal under section 54(2).
- (2) The appeal must be brought from within the United Kingdom.
- (3) If the person who brings the appeal leaves the United Kingdom before the appeal is finally determined, the appeal is to be treated as abandoned.
- (4) The person who brings the appeal may make an application to the First-tier Tribunal for an order that, until the appeal is finally determined, withdrawn or abandoned, the local authority must exercise its functions under relevant children's legislation in relation to the person on the basis that they are the age that they claim (or are claimed) to be.
- (5) Subsection (6) applies if it is alleged—
 - (a) that a document relied on by a party to an appeal is a forgery, and
 - (b) that disclosure to that party of a matter relating to the detection of the forgery would be contrary to the public interest.
- (6) The First-tier Tribunal—
 - (a) must investigate the allegation in private, and
 - (b) may proceed in private so far as necessary to prevent disclosure of the matter referred to in subsection (5)(b).
- (7) Subsection (8) applies in relation to—
 - (a) proceedings on an appeal, and

Status: This version of this provision is prospective.

Changes to legislation: Nationality and Borders Act 2022, Section 55 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

- (b) proceedings in the Upper Tribunal arising out of proceedings within paragraph (a).
- (8) Practice directions under section 23 of the Tribunals, Courts and Enforcement Act 2007 may require the First-tier Tribunal or the Upper Tribunal to treat a specified decision of the First-tier Tribunal or the Upper Tribunal as authoritative in respect of a particular matter.
- (9) For the purposes of this Part an appeal is not finally determined if—
 - (a) an application for permission to appeal under section 11, 13 or 14B of the Tribunals, Courts and Enforcement Act 2007 could be made (ignoring any possibility of an application out of time) or is awaiting determination,
 - (b) an application for permission to appeal to the Supreme Court from—
 - (i) the Court of Appeal in England and Wales,
 - (ii) the Court of Session, or
 - (iii) the Court of Appeal in Northern Ireland,could be made (ignoring any possibility of an application out of time) or is awaiting determination,
 - (c) permission to appeal of the kind mentioned in paragraph (a) or (b) has been granted and the appeal is awaiting determination, or
 - (d) an appeal has been remitted under section 12 or 14 of the Tribunals, Courts and Enforcement Act 2007, or by the Supreme Court, and is awaiting determination.

Commencement Information

II S. 55 not in force at Royal Assent, see [s. 87\(1\)](#)

Status:

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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\(12\)](#)