



# Nationality and Borders Act 2022

## 2022 CHAPTER 36

### PART 4

#### AGE ASSESSMENTS

#### **52 Use of scientific methods in age assessments**

- (1) The Secretary of State may make regulations specifying scientific methods that may be used for the purposes of age assessments under section 50 or 51.
- (2) The types of scientific method that may be specified include methods involving—
  - (a) examining or measuring parts of a person's body, including by the use of imaging technology;
  - (b) the analysis of saliva, cell or other samples taken from a person (including the analysis of DNA in the samples).
- (3) A method may not be specified in regulations under subsection (1) unless the Secretary of State determines, after having sought scientific advice, that the method is appropriate for assessing a person's age.
- (4) A specified scientific method may be used for the purposes of an age assessment under section 50 or 51 only if the appropriate consent is given.
- (5) The appropriate consent is—
  - (a) where the age-disputed person has the capacity to consent to the use of the scientific method in question, their consent;
  - (b) where the age-disputed person does not have the capacity to consent to the use of the scientific method in question, the consent of—
    - (i) the person's parent or guardian, or
    - (ii) another person, of a description specified in regulations made by the Secretary of State, who is able to give consent on behalf of the age-disputed person.
- (6) Subsection (7) applies where—

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**Changes to legislation:** *Nationality and Borders Act 2022, Section 52 is up to date with all changes known to be in force on or before 27 August 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*

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- (a) the age-disputed person or, in a case where the age-disputed person lacks capacity, a person mentioned in subsection (5)(b), decides not to consent to the use of a specified scientific method, and
  - (b) there are no reasonable grounds for that decision.
- (7) In deciding whether to believe any statement made by or on behalf of the age-disputed person that is relevant to the assessment of their age, the decision-maker must take into account, as damaging the age-disputed person's credibility (or the credibility of a person who has made a statement on their behalf), the decision not to consent to the use of the specified scientific method.
- (8) Regulations under this section are subject to affirmative resolution procedure.
- (9) This section does not prevent the use of a scientific method that is not a specified scientific method for the purposes of an age assessment under section 50 or 51 if the decision-maker considers it appropriate to do so and, where necessary, the appropriate consent is given.

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**Commencement Information**

- I1** S. 52 in force at Royal Assent for specified purposes, see [s. 87\(4\)\(f\)](#)
- I2** [S. 52](#) in force at 20.11.2023 in so far as not already in force by [S.I. 2023/1130](#), [reg. 2\(c\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 52(7) words inserted by [2023 c. 37 s. 58\(4\)\(a\)](#)

**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\(12\)](#)