



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

Status: This is the original version (as it was originally enacted).

- (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.”