



Social Security Administration (Northern Ireland) Act 1992

1992 CHAPTER 8

PART I

CLAIMS FOR AND PAYMENTS AND GENERAL ADMINISTRATION OF BENEFIT

[^{F1}Work-focused interviews][^{F1}and work-related activity]

[^{F1}2G Contracting-out

- (1) The following functions of the Department may be exercised by, or by employees of, such person (if any) as the Department may authorise for the purpose, namely—
 - (a) conducting interviews under section 2A or 2AA;
 - (b) providing documents under section 2E;
 - (c) giving, varying or revoking directions under section 2F.
- (2) Regulations may provide for any of the following functions of the Department to be exercisable by, or by employees of, such person (if any) as the Department may authorise for the purpose
 - (a) any function under regulations under any of sections 2A to 2F, except the making of an excluded decision (see subsection (3));
 - (b) the function under Article 10(1) of the 1998 Order (revision of decisions) so far as relating to decisions (other than excluded decisions) that relate to any matter arising under regulations under any of sections 2A to 2F;
 - (c) the function under Article 11(1) of the 1998 Order (superseding of decisions) so far as relating to decisions (other than excluded decisions) of the Department that relate to any matter arising under regulations under any of sections 2A to 2F;
 - (d) any function under Chapter 2 of Part 2 of the 1998 Order (social security decisions), except Article 25(2) and (3) (decisions involving issues arising on

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appeal in other cases), which relates to the exercise of any of the functions within paragraphs (a) to (c).

- (3) Each of the following is an “excluded decision” for the purposes of subsection (2)—
- (a) a decision about whether a person has failed to comply with a requirement imposed by regulations under section 2A, 2AA or 2D;
 - (b) a decision about whether a person had good cause for failure to comply with such a requirement;
 - (c) a decision about the reduction of a benefit in consequence of a failure to comply with such a requirement.
- (4) Regulations under subsection (2) may provide that a function to which that subsection applies may be exercised—
- (a) either wholly or to such extent as the regulations may provide,
 - (b) either generally or in such cases as the regulations may provide, and
 - (c) either unconditionally or subject to the fulfilment of such conditions as the regulations may provide.
- (5) An authorisation given by virtue of any provision made by or under this section may authorise the exercise of the function concerned—
- (a) either wholly or to such extent as may be specified in the authorisation,
 - (b) either generally or in such cases as may be so specified, and
 - (c) either unconditionally or subject to the fulfilment of such conditions as may be so specified;
- but, in the case of an authorisation given by virtue of regulations under subsection (2), this subsection is subject to the regulations.
- (6) An authorisation given by virtue of any provision made by or under this section—
- (a) may specify its duration
 - (b) may be revoked at any time by the Department, and
 - (c) does not prevent the Department or any other person from exercising the function to which the authorisation relates.
- (7) Anything done or omitted to be done by or in relation to an authorised person (or an employee of that person) in, or in connection with, the exercise or purported exercise of the function concerned is to be treated for all purposes as done or omitted to be done by or in relation to the Department.
- (8) But subsection (7) does not apply—
- (a) for the purposes of so much of any contract made between the authorised person and the Department as relates to the exercise of the function, or
 - (b) for the purposes of any criminal proceedings brought in respect of anything done by the authorised person (or an employee of that person).
- (9) Any decision which an authorised person makes in exercise of the function concerned has effect as a decision of the Department under Article 9 of the 1998 Order.
- (10) Where—
- (a) the authorisation of an authorised person is revoked at any time, and
 - (b) at the time of the revocation so much of any contract made between the authorised person and the Department as relates to the exercise of the function is subsisting,

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the authorised person is entitled to treat the contract as repudiated by the Department (and not as frustrated by reason of the revocation).

(11) In this section—

- (a) “the 1998 Order” means the Social Security (Northern Ireland) Order 1998;
- (b) “authorised person” means a person authorised to exercise any function by virtue of any provision made by or under this section;
- (c) references to functions of the Department under any enactment (including one comprised in regulations) include functions which the Department has by virtue of the application of Article 9(1)(c) of the 1998 Order in relation to the enactment.]

Textual Amendments

- F1** Ss. 2D-2H inserted (13.8.2010) by [Welfare Reform Act \(Northern Ireland\) 2010 \(c. 13\)](#), [ss. 2\(2\), 36\(1\)](#)
(a)

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Changes and effects yet to be applied to :

- s. 2A-2H repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to [legislation.gov.uk](#). [S.I. 2018/1125](#), reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))
- Act modified by [S.R. 2019/211 art. 2\(2\)\(a\)](#) (This amendment not applied to [legislation.gov.uk](#). Affecting Order revoked (19.12.2020) without ever being in force by [S.R. 2020/347](#), arts. 1(1), 2)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 101(1)(4)(5)s. 101(6)(a)(b) words repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- s. 2A(9) added by [2010 c. 13 \(N.I.\) Sch. 1 para. 24](#)
- s. 2G(1)(d) inserted by [S.I. 2015/2006 \(N.I.\) art. 65\(5\)](#)
- s. 5(1A)-(1C) inserted by [2010 c. 13 \(N.I.\) s. 18\(2\)\(c\)](#)
- s. 31A(1A) words substituted by [S.I. 2015/2006 \(N.I.\) Sch. 4 para. 11\(a\)\(ii\)](#)
- s. 104A(1A)-(1C) inserted by [2007 c. 2 \(N.I.\) s. 42\(3\)](#)
- s. 110A inserted by [2007 c. 2 \(N.I.\) s. 43](#)
- s. 110A repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- s. 110A heading word inserted by [S.I. 2015/2006 \(N.I.\) art. 114\(4\)](#)
- s. 110A(2) words substituted by [S.I. 2015/2006 \(N.I.\) art. 114\(5\)\(a\)](#)
- s. 110A(2)(b) words substituted by [S.I. 2015/2006 \(N.I.\) art. 114\(5\)\(b\)](#)
- s. 110A(4)(b) words substituted by [S.I. 2015/2006 \(N.I.\) art. 114\(6\)](#)
- s. 110ZA inserted by [S.I. 2015/2006 \(N.I.\) art. 114\(2\)](#)
- s. 110ZA repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)
- s. 116E and cross-heading inserted by [2010 c. 13 \(N.I.\) s. 16\(3\)](#)
- s. 126(2)-(2B) substituted for s. 126(2) by [2007 c. 2 \(N.I.\) s. 35](#)
- s. 130AB inserted by [2008 c. 13 \(N.I.\) Sch. 3 para. 14](#)
- s. 140C inserted by [S.I. 2015/2006 \(N.I.\) Sch. 2 para. 20](#)
- s. 166(2)(ac) inserted by [2010 c. 13 \(N.I.\) s. 17](#)