



2007 CHAPTER 2

PART 1

EMPLOYMENT AND SUPPORT ALLOWANCE

[^{F1}Work-related requirements]

Contracting out

16.—^{F1}(1) The following functions of the Department may be exercised by, or by employees of, such person (if any) as it may authorise for the purpose, namely—

^{F2}(za) any function under section 1C in relation to a claimant commitment;]

- (a) conducting interviews under section 12;
- (b) providing documents under section 14;
- (c) giving, varying or revoking directions under section 15.

(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 it may authorise for the purpose—

- (a) any function under regulations under any of sections 11 to 15, except the making of a decision to which subsection (3) applies (an “excluded decision”);
- (b) the function under Article 10(1) of the 1998 Order (revision of decisions), so far as relating to decisions, except excluded decisions, that relate to any matter arising under such regulations;

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- (c) the function under Article 11(1) of that Order (superseding of decisions), so far as relating to decisions, except excluded decisions, of the Department that relate to any matter arising under such regulations;
 - (d) any function under Chapter 2 of Part 2 of that Order (social security decisions), except Article 25(2) and (3) (decisions involving issues that arise on appeal in other cases), which relates to the exercise of any of the functions falling within paragraphs (a) to (c).
- (3) This subsection applies to the following decisions—
- (a) a decision about whether a person has failed to comply with a requirement imposed by regulations under section 11, 12 or 13;
 - (b) a decision about whether a person had good cause for failure to comply with such a requirement;
 - (c) a decision about reduction of an employment and support allowance in consequence of 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 or areas 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 subsection (1), or by virtue of regulations under subsection (2), 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 or areas as may be so specified, and
 - (c) either unconditionally or subject to the fulfilment of such conditions as may be so specified.
- (6) In the case of an authorisation given by virtue of regulations under subsection (2), subsection (5) is subject to the provisions of the regulations.
- (7) An authorisation given by virtue of subsection (1), or by virtue of regulations under subsection (2)—
- (a) may specify its duration,
 - (b) may be revoked at any time by the Department, and
 - (c) shall not prevent the Department or any other person from exercising the function to which the authorisation relates.
- (8) Where a person is authorised to exercise any function by virtue of subsection (1), or by virtue of regulations under subsection (2), anything done

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or omitted to be done by or in relation to him (or an employee of his) in, or in connection with, the exercise or purported exercise of the function shall be treated for all purposes as done or omitted to be done by or in relation to the Department.

(9) Subsection (8) shall 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 or omitted to be done by the authorised person (or an employee of his).

(10) Any decision which a person authorised to exercise any function by virtue of subsection (1), or by virtue of regulations under subsection (2), makes in exercise of the function shall have effect as a decision of the Department under Article 9 of the 1998 Order.

(11) Where—

- (a) a person is authorised to exercise any function by virtue of subsection (1), or by virtue of regulations under subsection (2), and
- (b) the authorisation is revoked at a time when a relevant contract is subsisting, the authorised person shall be entitled to treat the relevant contract as repudiated by the Department (and not as frustrated by reason of the revocation).

(12) In subsection (11), the reference to a relevant contract is to so much of any contract made between the authorised person and the Department as relates to the exercise of the function.

(13) In this section, references to functions of the Department under—

- (a) a statutory provision contained in, or in regulations under, this Part; or
- (b) a statutory provision contained in Chapter 2 of Part 2 of the 1998 Order, include a reference to any function which the Department has by virtue of the application in relation to that provision of Article 9(1)(c) of that Order (decisions under certain statutory provisions to be made by the Department).

^{F3}(14)]

Textual Amendments	
F1	Ss. 11-11L and cross-heading substituted for ss. 11-16 and cross-heading (2.5.2016 for specified purposes) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006) , arts. 2(2) , 63(2) ; S.R. 2016/215, art. 2(3)(b)
F2	S. 16(1)(za) inserted (2.5.2016 for specified purposes) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006) , arts. 2(2) , 60(5) ; S.R. 2016/215, art. 2(3)(b)
F3	S. 16(14) omitted (8.5.2016) by virtue of The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76) , art. 1(2) , Sch. 6 para. 58 (with art. 9(2))

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Commencement Information

- II** S. 16 wholly in operation at 27.10.2008; s. 16 not in operation at Royal Assent see s. 60(1); s. 16(2)(a)(4) in operation for certain purposes at 1.7.2008 and wholly in operation at 27.10.2008 by [S.R. 2008/276](#), [art. 2\(2\)\(c\)](#), [Sch. Pt. 1](#); s. 16 in operation at 27.10.2008 in so far as not already in operation by [S.R. 2008/276](#), [art. 2\(2\)\(d\)](#), [Sch. Pt. 2](#)

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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. 1(3)(za) inserted by [S.I. 2015/2006 \(N.I.\) art. 67\(2\)](#)
- s. 1(3B) inserted by [S.I. 2015/2006 \(N.I.\) art. 67\(3\)](#)
- s. 14(5) added by [2010 c. 13 \(N.I.\) s. 25\(2\)](#)
- s. 14(5) amendment to earlier affecting provision [2010 c. 13 \(N.I.\) s. 25\(2\)](#) by [S.I. 2015/2006 \(N.I.\) art. 60\(7\)](#)
- s. 14(5) words substituted by [S.R. 2016/76 Sch. 6 para. 56\(b\)](#)
- Sch. 1 para. 6(1)(da) inserted by [2010 c. 13 \(N.I.\) s. 5\(2\)\(a\)](#)
- Sch. 1 para. 6(2A) inserted by [2010 c. 13 \(N.I.\) s. 5\(2\)\(b\)](#)
- Sch. 2 para. 4B inserted by [S.I. 2015/2006 \(N.I.\) art. 67\(4\)](#)
- Sch. 3 para. 12(4)(5) repealed by [S.I. 2015/2006 \(N.I.\) Sch. 12 Pt. 1](#)