



# Welfare Reform Act 2007

## 2007 CHAPTER 5

### PART 1

#### EMPLOYMENT AND SUPPORT ALLOWANCE

*[<sup>F1</sup>Conditionality]*

*[<sup>F1</sup>Work-related requirements]*

#### <sup>F1</sup>16 Contracting out

- (1) The following functions of the Secretary of State may be exercised by, or by employees of, such person (if any) as the Secretary of State may authorise for the purpose, namely—
  - (a) conducting interviews under section 12;
  - (b) providing documents under section 14;
  - (c) giving, varying or revoking directions under section 15.
  - <sup>F2</sup>(d) .....
  - <sup>F2</sup>(e) .....
  - <sup>F2</sup>(f) .....
- (2) Regulations may provide for any of the following functions of the Secretary of State to be exercisable by, or by employees of, such person (if any) as the Secretary of State may authorise for the purpose—
  - (a) any function under regulations under any of sections 11 to 15 <sup>F3</sup>..., except the making of a decision to which subsection (3) applies (an “excluded decision”);
  - (b) the function under section 9(1) of the Social Security Act 1998 (c. 14) (revision of decisions), so far as relating to decisions, except excluded decisions, that relate to any matter arising under such regulations;
  - (c) the function under section 10(1) of that Act (superseding of decisions), so far as relating to decisions, except excluded decisions, of the Secretary of State that relate to any matter arising under such regulations;

*Status: Point in time view as at 29/04/2013.*

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- (d) any function under Chapter 2 of Part 1 of that Act (social security decisions), except section 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<sup>F4</sup> ...;
  - (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 Secretary of State, and
  - (c) shall not prevent the Secretary of State 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 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 Secretary of State.
- (9) Subsection (8) shall not apply—
- (a) for the purposes of so much of any contract made between the authorised person and the Secretary of State 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 Secretary of State under section 8 of the Social Security Act 1998 (c. 14).

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- (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 Secretary of State (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 Secretary of State as relates to the exercise of the function.
- (13) In this section, references to functions of the Secretary of State under—
- (a) an enactment contained in, or in regulations under, this Part, or
  - (b) an enactment contained in Chapter 2 of Part 1 of the Social Security Act 1998,
- include a reference to any function which the Secretary of State has by virtue of the application in relation to that enactment of section 8(1)(c) of that Act (decisions under certain enactments to be made by the Secretary of State).]

#### Textual Amendments

- F1** Ss. 11-11K substituted for ss. 11-16 (25.2.2013 for specified purposes, 29.4.2013 for specified purposes and subsequently on the days on which and for the purposes for which "the amending provisions" are brought into force by secondary legislation) by [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 57\(2\)](#), [150\(3\)](#); [S.I. 2013/358](#), [art. 2\(1\)](#), [Sch. 1 para. 12](#); [S.I. 2013/983](#), [art. 7\(1\)\(d\)](#) (with [art. 7\(3\)](#)) (as amended: (1.7.2013) by [S.I. 2013/1511](#), [art. 6](#))
- F2** S. 16(1)(d)-(f) repealed (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), [s. 150\(2\)\(b\)](#), [Sch. 14 Pt. 6](#)
- F3** Words in s. 16(2)(a) repealed (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), [s. 150\(2\)\(b\)](#), [Sch. 14 Pt. 6](#)
- F4** Words in s. 16(3)(a) repealed (8.5.2012) by [Welfare Reform Act 2012 \(c. 5\)](#), [s. 150\(2\)\(b\)](#), [Sch. 14 Pt. 6](#)

#### Modifications etc. (not altering text)

- C1** Pt. 1 modified by 1995 c. 18, [Sch. 1 para. 2\(2\)](#) (as inserted (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), [s. 70\(2\)](#), [Sch. 3 para. 12\(6\)](#); [S.I. 2008/787](#), [art. 2\(4\)\(f\)](#))

#### Commencement Information

- I1** S. 16(1) (2)(b)-(d) (3) (5)-(13) in force at 27.10.2008 by [S.I. 2008/787](#), [art. 2\(4\)\(a\)](#)
- I2** S. 16(2)(a)(4) in force at 18.3.2008 for specified purposes by [S.I. 2008/787](#), [art. 2\(1\)](#)
- I3** S. 16(2)(a)(4) in force at 27.10.2008 in so far as not already in force by [S.I. 2008/787](#), [art. 2\(4\)\(a\)](#)

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