



## 2007 CHAPTER 2

### PART 1

#### EMPLOYMENT AND SUPPORT ALLOWANCE

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

**Annotations:**

**Amendments (Textual)**

- F1** S. 11 11L and crossheading substituted for (2.5.2016 for specified purposes, 27.9.2017 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 [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), arts. 2(2), **63(2)**; S.R. 2016/215, art. 2(3)(b); S.R. 2017/190, art. 9 (with arts. 10-25)

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

**11.—(1)** The following provisions of this Part provide for the Department to impose work-related requirements with which persons entitled to an employment and support allowance must comply for the purposes of this Part.

(2) In this Part “work-related requirement” means—

- (a) a work-focused interview requirement (see section 11B);
- (b) a work preparation requirement (see section 11C).

(3) The work-related requirements which may be imposed on a person depend on which of the following groups the person falls into—

- (a) persons subject to no work-related requirements (see section 11D);

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- (b) persons subject to work-focused interview requirement only (see section 11E);
- (c) persons subject to work-focused interview and work preparation requirements (see section 11F).]

**Annotations:**

**Commencement Information**

- II** S. 11 wholly in operation at 27.10.2008; s. 11 not in operation at Royal Assent see s. 60(1); s. 11(1)(2)(a)-(g)(3)-(5)(6)(a)(7)(c) 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. 11 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

**[<sup>F1</sup>Claimant commitment**

**11A.—(1)** A claimant commitment is a record of the responsibilities of a person entitled to an employment and support allowance in relation to the award of the allowance.

(2) A claimant commitment is to be prepared by the Department and may be reviewed and updated as the Department thinks fit.

(3) A claimant commitment is to be in such form as the Department thinks fit.

(4) A claimant commitment is to include—

- (a) a record of the requirements that the person must comply with under this Part (or such of them as the Department considers it appropriate to include),
- (b) any prescribed information, and
- (c) any other information the Department considers it appropriate to include.

(5) For the purposes of this Part a person accepts a claimant commitment if, and only if, the claimant accepts the most up-to-date version of it in such manner as may be prescribed.

**Work-focused interview requirement**

**11B.—(1)** In this Part a “work-focused interview requirement” is a requirement that a person participate in one or more work-focused interviews as specified by the Department.

(2) A work-focused interview is an interview for prescribed purposes relating to work or work preparation.

(3) The purposes which may be prescribed under subsection (2) include in particular that of making it more likely in the opinion of the Department that the person will obtain paid work (or more paid work or better-paid work).

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(4) The Department may specify how, when and where a work-focused interview is to take place.

### **Work preparation requirement**

**11C.**—(1) In this Part a “work preparation requirement” is a requirement that a person take particular action specified by the Department for the purpose of making it more likely in the opinion of the Department that the person will obtain paid work (or more paid work or better-paid work).

(2) The Department may under subsection (1) specify the time to be devoted to any particular action.

(3) Action which may be specified under subsection (1) includes in particular

- (a) attending a skills assessment;
- (b) improving personal presentation;
- (c) participating in training;
- (d) participating in an employment programme;
- (e) undertaking work experience or a work placement;
- (f) developing a business plan;
- (g) any action prescribed for the purpose in subsection (1).

(4) The action which may be specified under subsection (1) includes taking part in a work-focused health-related assessment.

(5) In subsection (4) “work-focused health-related assessment” means an assessment by a health care professional approved by the Department which is carried out for the purpose of assessing—

- (a) the extent to which the person's capability for work may be improved by taking steps in relation to the person's physical or mental condition, and
- (b) such other matters relating to the person's physical or mental condition and the likelihood of the person obtaining or remaining in work or being able to do so as may be prescribed.

(6) In subsection (5) “health care professional” means—

- (a) a registered medical practitioner,
- (b) a registered nurse,
- (c) an occupational therapist or physiotherapist registered with a regulatory body established by an Order in Council under section 60 of the Health Act 1999, or
- (d) a member of such other profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 as may be prescribed.

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### **Persons subject to no work-related requirements**

**11D.**—(1) The Department may not impose any work-related requirement on a person falling within this section.

(2) A person falls within this section if—

- (a) the person has limited capability for work and work-related activity,
- (b) the person has regular and substantial caring responsibilities for a severely disabled person,
- (c) the person is a single person responsible for a child under the age of one,
- (d) the person is of a prescribed description.

(3) Where a person falls within this section, any work-related requirement previously applying to the person ceases to have effect.

(4) In this section—

“regular and substantial caring responsibilities” has such meaning as may be prescribed;

“severely disabled” has such meaning as may be prescribed.

### **Persons subject to work-focused interview requirement only**

**11E.**—(1) A person falls within this section if—

- (a) the person is a single person responsible for a child who is aged at least one and is under a prescribed age (which may not be less than 3), or
- (b) the person is of a prescribed description.

(2) The Department may, subject to this Part, impose a work-focused interview requirement on a person entitled to an employment and support allowance who falls within this section.

(3) The Department may not impose a work preparation requirement on a person falling within this section (and, where a person falls within this section, a work preparation requirement previously applying to the person ceases to have effect).

### **Persons subject to work preparation and work-focused interview requirement**

**11F.**—(1) A person who does not fall within section 11D or 11E falls within this section.

(2) The Department may, subject to this Part, impose a work preparation requirement or work-focused interview requirement on a person entitled to an employment and support allowance who falls within this section.

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### **Connected requirements**

**11G.**—(1) The Department may require a person entitled to an employment and support allowance to participate in an interview for any purpose relating to—

- (a) the imposition of a work-related requirement on the person;
- (b) verifying the person's compliance with a work-related requirement;
- (c) assisting the person to comply with a work-related requirement.

(2) The Department may specify how, when and where such an interview is to take place.

(3) The Department may, for the purpose of verifying a person's compliance with a work-related requirement, require the person to—

- (a) provide to the Department information and evidence specified by the Department in a manner so specified;
- (b) confirm compliance in a manner so specified.

(4) The Department may require a person to report to the Department any specified changes in that person's circumstances which are relevant to—

- (a) the imposition of work-related requirements on the person;
- (b) the person's compliance with a work-related requirement.

### **Imposition of requirements**

**11H.**—(1) Regulations may make provision—

- (a) where the Department may impose a requirement under this Part, as to when the requirement must or must not be imposed;
- (b) where the Department may specify any action to be taken in relation to a requirement under this Part, as to what action must or must not be specified;
- (c) where the Department may specify any other matter in relation to a requirement under this Part, as to what must or must not be specified in respect of that matter.

(2) Where the Department may impose a work-focused interview requirement, the Department must have regard to such matters as may be prescribed.

(3) Where the Department may specify a particular action under section 11C(1), the Department must have regard to such matters as may be prescribed.

(4) Where the Department may impose a requirement under this Part, the Department may revoke or change what has been imposed or specified.

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(5) Where the Department may specify any action to be taken in relation to a requirement imposed under this Part, the Department may revoke or change what has been specified.

(6) Notification of a requirement imposed under this Part (or any change to or revocation of such a requirement) is, if not included in the claimant commitment, to be in such manner as the Department may determine.

(7) Regulations must make provision to secure that, in prescribed circumstances, where a person has recently been a victim of domestic violence—

- (a) a requirement imposed on that person under this Part ceases to have effect for a period of 13 weeks, and
- (b) the Department may not impose any other requirement on that person during that period.

(8) For the purposes of subsection (7)—

- (a) “domestic violence” has such meaning as may be prescribed;
- (b) “victim of domestic violence” means a person on or against whom domestic violence is inflicted or threatened (and regulations under subsection (7) may prescribe circumstances in which a person is to be treated as being or not being a victim of domestic violence);
- (c) a person has recently been a victim of domestic violence if a prescribed period has not expired since the violence was inflicted or threatened.

### **Compliance with requirements**

**11I.** Regulations may make provision as to circumstances in which a person is to be treated as having—

- (a) complied with or not complied with any requirement imposed under this Part or any aspect of such a requirement, or
- (b) taken or not taken any particular action specified by the Department in relation to such a requirement.

### **Sanctions**

**11J.—**(1) The amount of an award of an employment and support allowance is to be reduced in accordance with this section in the event of a failure by a person which is sanctionable under this section.

(2) It is a failure sanctionable under this section if a person—

- (a) fails for no good reason to comply with a work-related requirement;
- (b) fails for no good reason to comply with a requirement under section 11G.

(3) Regulations are to specify—

- (a) the amount of a reduction under this section, and

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- (b) the period for which such a reduction has effect.
- (4) Regulations under subsection (3)(b) may provide that a reduction under this section in relation to any failure is to have effect for—
  - (a) a period continuing until the person meets a compliance condition specified by the Department,
  - (b) a fixed period not exceeding 26 weeks which is—
    - (i) specified in the regulations, or
    - (ii) determined in any case by the Department, or
  - (c) a combination of both.
- (5) In subsection (4)(a) “compliance condition” means—
  - (a) a condition that the failure ceases, or
  - (b) a condition relating to future compliance with a work-related requirement or a requirement under section 11G.
- (6) A compliance condition specified under subsection (4)(a) may be—
  - (a) revoked or varied by the Department;
  - (b) notified to the person in such manner as the Department may determine.
- (7) A period fixed under subsection (4)(b) may in particular depend on either or both the following—
  - (a) the number of failures by the person sanctionable under this section;
  - (b) the period between such failures.
- (8) Regulations may provide—
  - (a) for cases in which no reduction is to be made under this section;
  - (b) for a reduction under this section made in relation to an award that is terminated to be applied to any new award made within a prescribed period of the termination;
  - (c) for the termination or suspension of a reduction under this section.

**Concurrent exercise of certain functions by Department for Employment and Learning**

**F<sup>2</sup>11K.** . . . . .

<p><b>Annotations:</b></p> <p>.....</p> <p><b>Amendments (Textual)</b></p> <p><b>F2</b> S. 11K omitted (8.5.2016) by virtue of <a href="#">The Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016/76)</a>, art. 1(2), <b>Sch. 6 para. 53</b> (with art. 9(2))</p>
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### **Delegation and contracting out**

**11L.**—(1) The functions of the Department under sections 11 to 11I may be exercised by, or by the employees of, such person as the Department may authorise for the purpose (an “authorised person”).

(2) An authorisation given by virtue of this section may authorise the exercise of a function—

- (a) wholly or to a limited extent;
- (b) generally or in particular cases or areas;
- (c) unconditionally or subject to conditions.

(3) An authorisation under this section—

- (a) may specify its duration;
- (b) may be varied or revoked at any time by the Department;
- (c) does not prevent the Department or another person from exercising the function to which the authorisation relates.

(4) 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 or (as the case may be) an officer of the Department.

(5) Subsection (4) 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 or omitted to be done by the authorised person (or an employee of that person).

(6) Where—

- (a) the authorisation of an authorised person is revoked, 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,

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

<sup>F3</sup>(7)] .....

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**Annotations:**

**Amendments (Textual)**

- F3** S. 11L(7) 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. 54](#) (with art. 9(2))

**Work-focused interviews**

**12.**—<sup>F4</sup>(1) Regulations may make provision for or in connection with imposing on a person who is—

- (a) entitled to an employment and support allowance, and
- (b) not a member of the support group [<sup>F5</sup>or a lone parent of a child under the age of one],

a requirement to take part in one or more work-focused interviews as a condition of continuing to be entitled to the full amount payable to him in respect of the allowance apart from the regulations.

(2) Regulations under this section may, in particular, make provision—

- (a) prescribing circumstances in which such a person is subject to a requirement to take part in one or more work-focused interviews;
- (b) for notifying such a person of any such requirement;
- (c) prescribing the work-focused interviews in which a person who is subject to such a requirement is required to take part;
- (d) for determining, in relation to work-focused interviews under the regulations, when and how the interview is to be conducted and, if it is to be conducted face to face, where it is to take place;
- (e) for notifying persons who are required under the regulations to take part in a work-focused interview of what is determined in respect of the matters mentioned in paragraph (d);
- (f) prescribing circumstances in which a person who is a party to a work-focused interview under the regulations is to be regarded as having, or not having, taken part in it;
- (g) for securing that the appropriate consequence follows if a person who is required under the regulations to take part in a work-focused interview—
  - (i) fails to take part in the interview, and
  - (ii) does not, within a prescribed period, show that he had good cause for that failure;
- (h) prescribing matters which are, or are not, to be taken into account in determining whether a person had good cause for any failure to comply with the regulations;

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**Changes to legislation:** *Welfare Reform Act (Northern Ireland) 2007, Cross Heading: Work-related requirements is up to date with all changes known to be in force on or before 23 April 2019. 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)*

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- (i) prescribing circumstances in which a person is, or is not, to be regarded as having good cause for any such failure.

(3) For the purposes of subsection (2)(g), the appropriate consequence of a failure falling within that provision is that the amount payable to the person in question in respect of an employment and support allowance is reduced in accordance with regulations.

(4) Regulations under subsection (3) may, in particular, make provision for determining—

- (a) the amount by which an allowance is to be reduced,
- (b) when the reduction is to start, and
- (c) how long it is to continue,

and may include provision prescribing circumstances in which the amount of the reduction is to be nil.

(5) Regulations under this section shall include provision for a requirement to take part in one or more work-focused interviews to cease to have effect if the person subject to the requirement becomes a member of the support group.

(6) Regulations under this section may include provision—

- (a) that in such circumstances as the regulations may prescribe a requirement to take part in a work-focused interview that would otherwise apply to a person by virtue of such regulations is not to apply, or is to be treated as not having applied;
- (b) that in such circumstances as the regulations may prescribe such a requirement is not to apply until a prescribed time;
- (c) that in such circumstances as the regulations may prescribe matters mentioned in subsection (2)(d) may be redetermined.

(7) In this section, “work-focused interview” means an interview by [<sup>F6</sup>the Department] conducted for such purposes connected with getting the person interviewed into work, or keeping him in work, as may be prescribed.]

#### Annotations:

##### Amendments (Textual)

- F4** 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)
- F5** Words in s. 12(1)(b) inserted (13.8.2010) by [Welfare Reform Act \(Northern Ireland\) 2010 \(c. 13\)](#), [ss. 3\(3\), 36\(1\)\(b\)](#)
- F6** Words in s. 12(7) substituted (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), [Sch. 6 para. 55](#) (with art. 9(2))

*Changes to legislation: Welfare Reform Act (Northern Ireland) 2007, Cross Heading: Work-related requirements is up to date with all changes known to be in force on or before 23 April 2019. 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)*

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

- C1** S. 12(1) modified (27.10.2008) by [Employment and Support Allowance Regulations \(Northern Ireland\) 2008 \(S.R. 2008/280\)](#), regs. 1(1), **66(b)**

#### **Commencement Information**

- I2** S. 12 wholly in operation at 27.10.2008; s. 12 not in operation at Royal Assent see s. 60(1); s. 12 (except subsection (2)(i)) 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. 12 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](#)

### **Work-related activity**

**13.**—<sup>F7</sup>(1) Regulations may make provision for or in connection with imposing on a person who is subject to a requirement imposed under section 12(1) <sup>F8</sup>, and who is not a lone parent of a child under the age of 3,] a requirement to undertake work-related activity in accordance with regulations as a condition of continuing to be entitled to the full amount payable to him in respect of an employment and support allowance apart from the regulations.

- (2) Regulations under this section may, in particular, make provision—
- (a) prescribing circumstances in which such a person is subject to a requirement to undertake work-related activity in accordance with regulations;
  - (b) for notifying such a person of any such requirement;
  - (c) prescribing the time or times at which a person who is subject to such a requirement is required to undertake work-related activity and the amount of work-related activity he is required at any time to undertake;
  - (d) prescribing circumstances in which a person who is subject to such a requirement is, or is not, to be regarded as undertaking work-related activity;
  - (e) for securing that the appropriate consequence follows if a person who is subject to such a requirement—
    - (i) fails to comply with the regulations, and
    - (ii) does not, within a prescribed period, show that he had good cause for that failure;
  - (f) prescribing the evidence which a person who is subject to such a requirement needs to provide in order to show that he has complied with the regulations;
  - (g) prescribing matters which are, or are not, to be taken into account in determining whether a person has complied with the regulations;

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(h) prescribing matters which are, or are not, to be taken into account in determining whether a person had good cause for any failure to comply with the regulations;

(i) prescribing circumstances in which a person is, or is not, to be regarded as having good cause for any such failure.

(3) For the purposes of subsection (2)(e), the appropriate consequence of a failure falling within that provision is that the amount payable to the person in question in respect of an employment and support allowance is to be reduced in accordance with regulations.

(4) Regulations under subsection (3) may, in particular, make provision for determining—

(a) the amount by which an allowance is to be reduced,

(b) when the reduction is to start, and

(c) how long it is to continue,

and may include provision prescribing circumstances in which the amount of the reduction is to be nil.

(5) Regulations under this section shall include provision for a requirement to undertake work-related activity in accordance with regulations to cease to have effect if the person subject to the requirement becomes a member of the support group.

(6) Regulations under this section may include provision that in such circumstances as the regulations may provide a person's obligation under the regulations to undertake work-related activity at a particular time is not to apply, or is to be treated as not having applied.

[<sup>F9</sup>(6A) Regulations under this section shall include provision for securing that lone parents are entitled (subject to meeting any prescribed conditions) to restrict the times at which they are required to undertake work-related activity.]

(7) In this Part, “work-related activity”, in relation to a person, means activity which makes it more likely that the person will obtain or remain in work or be able to do so.]

[<sup>F10</sup>(8) The reference to activity in subsection (7) includes work experience or a work placement.]

#### **Annotations:**

#### **Amendments (Textual)**

**F7** 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)

**F8** Words in s. 13(1) inserted (13.8.2010) by [Welfare Reform Act \(Northern Ireland\) 2010 \(c. 13\)](#), **ss. 3(4)(a), 36(1)(b)**

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- F9** S. 13(6A) inserted (13.8.2010) by [Welfare Reform Act \(Northern Ireland\) 2010 \(c. 13\)](#), [ss. 3\(4\)\(b\)](#), [36\(1\)\(b\)](#)
- F10** S. 13(8) inserted (27.9.2017) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), [arts. 2\(2\)](#), [61](#); [S.R. 2017/190](#), [art. 3\(1\)\(2\)\(d\)](#)

#### Commencement Information

- I3** S. 13 wholly in operation at 11.7.2011; s. 13 not in operation at Royal Assent see s. 60(1); s. 13(7) in operation at 27.10.2008 by [S.R. 2008/425](#), [art. 2](#); s. 13(1)-(6) in operation at 11.7.2011 by [S.R. 2011/260](#), [art. 2](#)

### Action plans in connection with work-focused interviews

**14.**—<sup>F11</sup>(1) [<sup>F12</sup>The Department] shall in prescribed circumstances provide a person subject to a requirement imposed under section 12(1) with a document prepared for such purposes as may be prescribed (in this section referred to as an action plan).

(2) Regulations may make provision about—

- (a) the form of action plans;
- (b) the content of action plans;
- (c) the review and updating of action plans.

(3) Regulations under this section may, in particular, make provision for action plans which are provided to a person who is subject under section 13 to a requirement to undertake work-related activity to contain particulars of activity which, if undertaken, would enable the requirement to be met.

(4) Regulations may make provision for reconsideration of an action plan at the request of the person to whom the plan is provided and may, in particular, make provision about—

- (a) the circumstances in which reconsideration may be requested;
- (b) the period within which any reconsideration must take place;
- (c) the matters to which regard must be had when deciding on reconsideration whether the plan should be changed;
- (d) notification of the decision on reconsideration;
- (e) the giving of directions for the purpose of giving effect to the decision on reconsideration.]

#### Annotations:

#### Amendments (Textual)

- F11** 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\(3\)\(b\)](#)

**Changes to legislation:** *Welfare Reform Act (Northern Ireland) 2007, Cross Heading: Work-related requirements is up to date with all changes known to be in force on or before 23 April 2019. 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)*

**F12** Words in s. 14(1) substituted (8.5.2016) by [The Departments \(Transfer of Functions\) Order \(Northern Ireland\) 2016 \(S.R. 2016/76\)](#), art. 1(2), **Sch. 6 para. 56(a)** (with art. 9(2))

#### Commencement Information

**I4** S. 14 wholly in operation at 27.10.2008; s. 14 not in operation at Royal Assent see s. 60(1); s. 14(1)(2)(a)(b) 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. 14 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**

### Directions about work-related activity

**15.**—<sup>F13</sup>[<sup>F14</sup>(1) In prescribed circumstances, the Department <sup>F15</sup>... may by direction given to a person subject to a requirement imposed under section 13(1) provide that the activity specified in the direction is—

- (a) to be the only activity which, in the person's case, is to be regarded as being work-related activity; or
- (b) to be regarded, in the person's case, as not being work-related activity.

(1A) But a direction under subsection (1) may not specify medical or surgical treatment as the only activity which, in any person's case, is to be regarded as being work-related activity.

(2) A direction under subsection (1) given to any person—

- (a) must be reasonable, having regard to the person's circumstances;
- (b) must be given to the person [<sup>F16</sup>in such manner as the Department <sup>F15</sup>... thinks fit] ; and
- (c) may be varied or revoked by a subsequent direction under subsection (1).]

(3) Where a direction under subsection (1) varies or revokes a previous direction, it may provide for the variation or revocation to have effect from a time before the giving of the direction.]

#### Annotations:

##### Amendments (Textual)

**F13** S. 15(1)(1A)(2) substituted (23.9.2010) for s. 15(1)(2) by [Welfare Reform Act \(Northern Ireland\) 2010 \(c. 13\)](#), **ss. 10**, 36(2); [S.R. 2010/327](#), **art. 2(2)(a)**

**F14** 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)**

**F15** Words in s. 15(1)(2)(b) 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. 57** (with art. 9(2))

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**F16** Words in s. 15(2)(b) substituted (2.5.2016 for specified purposes) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), arts. 2(2), **60(4)**; S.R. 2016/215, art. 2(3)(b)

### Contracting out

**16.**—<sup>F17</sup>(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—

<sup>F18</sup>(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;
- (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,

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- (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 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,

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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).

<sup>F19</sup>(14) . . . . .]

#### Annotations:

##### Amendments (Textual)

**F17** 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\(3\)\(b\)](#)

**F18** 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\(3\)\(b\)](#)

**F19** 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\(2\)](#))

##### Commencement Information

**I5** 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](#)

#### <sup>F20</sup>Hardship payments

**16A.**—(1) Regulations may make provision for the making of payments (“hardship payments”) by way of an employment and support allowance to a person where—

(a) the amount otherwise payable to the person in respect of an employment and support allowance is reduced by virtue of regulations under section 11(3), 12(3) or 13(3), and

(b) the person is or will be in hardship.

(2) Regulations under this section may in particular make provision as to—

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**Changes to legislation:** *Welfare Reform Act (Northern Ireland) 2007, Cross Heading: Work-related requirements is up to date with all changes known to be in force on or before 23 April 2019. 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)*

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- (a) circumstances in which a person is to be treated as being or not being in hardship;
- (b) matters to be taken into account in determining whether a person is or will be in hardship;
- (c) requirements or conditions to be met by a person in order to receive hardship payments;
- (d) the amount or rate of hardship payments;
- (e) the period for which hardship payments may be made.]

**Annotations:**

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**Amendments (Textual)**

- F20** S. 16A inserted (1.6.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), arts. 2(2), 62; S.R. 2016/234, art. 2(2)(b)

**Changes to legislation:**

Welfare Reform Act (Northern Ireland) 2007, Cross Heading: Work-related requirements is up to date with all changes known to be in force on or before 23 April 2019. 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.

**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](#)