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STATUTORY RULES OF NORTHERN IRELAND

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**2010 No. 327 (C. 19)**

**SOCIAL SECURITY**

**The Welfare Reform (2010 Act) (Commencement No. 1 and Transitory Provision) Order (Northern Ireland) 2010**

Made - - - - 22nd September  
2010

The Department for Social Development makes the following Order in exercise of the powers conferred by section 36(2) and (3) of the Welfare Reform Act (Northern Ireland) 2010(1).

**Citation and interpretation**

1.—(1) This Order may be cited as the Welfare Reform (2010 Act) (Commencement No. 1 and Transitory Provision) Order (Northern Ireland) 2010.

(2) In this Order “the Act” means the Welfare Reform Act (Northern Ireland) 2010.

**Appointed days**

2.—(1) The day appointed for the coming into operation of section 13 of the Act (mobility component) is—

- (a) 23rd September 2010, for the purpose only of conferring power to make regulations;
- (b) 15th October 2010, for the purposes only of assessing claims and making decisions on eligibility; and
- (c) 11th April 2011 for all other purposes.

(2) 23rd September 2010 is the day appointed for the coming into operation of—

- (a) section 10 of the Act (power to direct claimant to undertake specific work-related activity);
- (b) section 21 of the Act (repeal of sections 53 to 57 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(2));
- (c) the entries in Part 3 of Schedule 4 to the Act (social security: other repeals) in respect of—
  - (i) section 149(5) of the Social Security Administration (Northern Ireland) Act 1992(3), paragraph (af) of the definition of “the relevant enactments”;

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(1) 2010 c. 13 (N.I.)  
(2) 2000 c. 4 (N.I.)  
(3) 1992 c. 8

- (ii) paragraph 3(e) of Schedule 3 to the Social Security (Northern Ireland) Order 1998(4);
  - (iii) the Child Support, Pensions and Social Security Act (Northern Ireland) 2000;
  - (iv) the Social Security Fraud Act (Northern Ireland) 2001(5);
  - (v) the State Pension Credit Act (Northern Ireland) 2002(6); and
  - (vi) paragraphs 13 and 14(3) of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007(7).
- (d) section 34(1) of the Act (repeals) so far as relating to the entries in sub-paragraph (c).

### **Transitory Provision**

3. Until the day appointed under section 36(2) of the Act for the coming into operation of section 26(3) and (4) of the Act—

- (a) Article 10(2) of the Jobseekers (Northern Ireland) Order 1995(8) (as amended by section 27(2) of the Act) has effect as if for “officer of the Department or of the Department for Employment and Learning” there were substituted (in both places) “employment officer”; and
- (b) Article 10(3)(9) of the Jobseekers (Northern Ireland) Order 1995 has effect as if for “paragraph (1)” there were substituted “paragraphs (1) and (2)”.

Sealed with the Official Seal of the Department for Social Development on 22nd September 2010

(L.S.)

*B McGahan*  
A senior officer of the Department for Social  
Development

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(4) S.I. 1998/1506 (N.I. 10)

(5) 2001 c.17 (N.I.)

(6) 2002 c.14 (N.I.)

(7) 2007 c.2 (N.I.)

(8) S.I. 1995/2705 (N.I.)

(9) Article 10(3) was added by paragraph 27(3)(b) of Schedule 8 to the Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)). It is repealed (on a day to be appointed) by Part 3 of Schedule 4 to the Act

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into operation (in whole or in part) the following provisions of the Welfare Reform Act (Northern Ireland) 2010 (“the Act”)—

- a) section 13 (mobility component);
- b) section 10 (power to direct claimant to undertake specific work-related activity);
- c) section 21 (repeal of sections 53 to 57 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000);
- d) Schedule 4, Part 3 (social security: other repeals); and
- e) section 34 (repeals).

Section 13 amends section 73 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 to allow people with prescribed severe visual impairments to claim the higher rate mobility component of disability living allowance.

Section 10 amends section 15 of the Welfare Reform Act (Northern Ireland) 2007 to allow the Department or the Department for Employment and Learning, in prescribed circumstances, to impose a requirement to undertake specific work-related activity on a claimant of employment and support allowance.

Section 21 of the Act and related provisions in Part 3 of Schedule 4 to the Act repeal sections 53 to 57 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 which provided for the reduction of benefit payments where a person failed without reasonable excuse to comply with the requirements of a relevant community order made in respect of that person.

Sections 26(3) and (4) of the Act, which amend the Jobseekers (Northern Ireland) Order 1995 (“the 1995 Order”) to substitute “officer of the Department or of the Department for Employment and Learning” for references to “employment officer” have not yet been commenced. Article 3 makes transitory modifications to Article 10 of the 1995 Order, as amended by section 27 of the Act (which was brought into operation by section 36(1) of the Act, on Royal Assent), until the commencement of these subsections.