

*These notes refer to the Welfare Reform Act (Northern Ireland)
2010 (c.13) which received Royal Assent on 13 August 2010*

Welfare Reform Act (Northern Ireland) 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Social security

Section 26: Contracting out functions under Jobseekers (Northern Ireland) Order 1995

This section provides a general provision to allow the contracting out of certain functions of the Department or the Department for Employment and Learning under the Jobseekers (Northern Ireland) Order 1995.

Subsection (2) of section 26 inserts new Article 22E before Article 23 of the 1995 Order. This provides for particular functions of the Department and the functions of the officers of the Department for Employment and Learning to be carried out by authorised persons.

Paragraph (3) provides for regulations to enable the relevant functions to be contracted out and paragraphs (5) and (6) provide for those regulations to include the extent to which the contracting out arrangements are to apply.

Some types of decisions, for example failure to comply with requirements, good cause for failure, and any reductions in jobseeker's allowance are excluded and cannot be contracted out. Under these provisions any authorisation to a contractor may specify the duration for which the authorisation applies. The section also makes provision for the revocation of an authorisation and deals with the limits of any liabilities arising out of functions carried out by an authorised person.

Subsection (3) substitutes references to 'employment officers' with 'officer of the Department' in other parts of the 1995 Order so that it is aligned with the new terminology. Subsections (4) and (5) include further consequential changes.