

2006 No. 203

SOCIAL SECURITY

**The Social Security (Electronic Communications)
(Miscellaneous Benefits) Order (Northern Ireland) 2006**

Made - - - - *2nd May 2006*

Coming into operation - *26th May 2006*

The Department for Social Development makes the following Order in exercise of the powers conferred by sections 1 and 2 of the Electronic Communications Act (Northern Ireland) 2001(a).

In accordance with section 1(3) of that Act it considers that the authorisation of the use of electronic communications by this Order for any purpose is such that the extent (if any) to which records of things done for that purpose will be available will be no less satisfactory in cases where use is made of electronic communications than in other cases.

Citation and commencement

1. This Order may be cited as the Social Security (Electronic Communications) (Miscellaneous Benefits) Order (Northern Ireland) 2006 and shall come into operation on 26th May 2006.

Amendment of the Social Security (Claims and Payments) Regulations

2.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(b) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation) after the definition of “claim for benefit” there shall be inserted the following definition—

““electronic communication” has the same meaning as in section 4(1) of the Electronic Communications Act (Northern Ireland) 2001;”.

(3) After regulation 4B(c) (forwarding claims and information) there shall be inserted the following regulation—

“Electronic claims for benefit

4ZC.—(1) Any claim for benefit in relation to which this regulation applies, and any certificate, notice, information or evidence given in connection with that claim, may be made or given by means of an electronic communication in accordance with the provisions set out in Schedule 8D.

(a) 2000 c. 9 (N.I.)

(b) S.R. 1987 No. 465; relevant amending regulations are S.R. 2001 Nos. 22 and 175

(c) Regulation 4B was inserted by regulation 3 of S.R. 2001 No. 175

(2) This regulation applies to attendance allowance, disability living allowance, graduated retirement benefit, retirement pension and shared additional pension.”.

(4) After Schedule 8C(a) (deductions from benefit in respect of child support maintenance and payment to persons with care) there shall be inserted as Schedule 8D the Schedule set out in the Schedule to this Order.

Sealed with the Official Seal of the Department for Social Development on 2nd May 2006.



John O'Neill

A senior officer of the Department for Social Development

SCHEDULE

Article 2(4)

“SCHEDULE 8D

Regulation 4ZC

ELECTRONIC COMMUNICATION

Interpretation

1. In this Schedule “official computer system” means a computer system maintained by or on behalf of the Department for the sending, receiving, processing or storing of any claim, certificate, notice, information or evidence.

Conditions for the use of electronic communication

2.—(1) The Department may use an electronic communication in connection with claims for attendance allowance, disability living allowance, graduated retirement benefit, retirement pension and shared additional pension.

(2) A person other than the Department may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraph (3) are satisfied.

(3) The conditions referred to in sub-paragraph (2) are that—

- (a) the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Department;
- (b) the person uses an approved method of—
 - (i) authenticating the identity of the sender of the communication;
 - (ii) electronic communication,
 - (iii) authenticating any claim, certificate, notice, information or evidence delivered by means of an electronic communication, and

(a) Schedule 8C was inserted by regulation 2(3) of S.R. 2001 No. 22

(iv) subject to sub-paragraph (4), submitting to the Department any claim, certificate, notice, information or evidence;

(c) any claim, certificate, notice, information or evidence sent by means of an electronic communication is in a form approved for the purpose of this Schedule; and

(d) the person maintains such records in written or electronic form as may be specified in a direction given by the Department.

(4) Where the person uses any method other than the method approved by the Department, of submitting any claim, certificate, notice, information or evidence, that claim, certificate, notice, information or evidence shall be treated as not having been submitted.

(5) In this paragraph “approved” means approved by means of a direction given by the Department for the purposes of this Schedule.

Use of intermediaries

3. The Department may use intermediaries in connection with—

(a) the delivery of any claim, certificate, notice, information or evidence by means of an electronic communication; and

(b) the authentication or security of anything transmitted by such means,

and may require other persons to use intermediaries in connection with those matters.

Effect of delivering information by means of electronic communication

4.—(1) Any claim, certificate, notice, information or evidence which is delivered by means of an electronic communication shall be treated as having been delivered, in the manner or form required by any provision of these Regulations, on the day the conditions imposed—

(a) by this Schedule; and

(b) by or under an applicable statutory provision,

are satisfied.

(2) The Department may, by a direction, determine that any claim, certificate, notice, information or evidence is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).

(3) Information shall not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

Proof of identify of sender or recipient of information

5. If it is necessary to prove, for the purpose of any legal proceedings, the identify of—

(a) the sender of any claim, certificate, notice, information or evidence delivered by means of an electronic communication to an official computer system; or

(b) the recipient of any such claim, certificate, notice, information or evidence delivered by means of an electronic communication from an official computer system,

the sender or recipient, as the case may be, shall be presumed to be the person whose name is recorded as such on that official computer system.

Proof of delivery of information

6.—(1) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any claim, certificate, notice, information or evidence this shall be presumed to have been the case where—

- (a) any such claim, certificate, notice, information or evidence has been delivered to the Department, if the delivery of that claim, certificate, notice, information or evidence has been recorded on an official computer system; or
- (b) any such certificate, notice, information or evidence has been delivered by the Department, if the delivery of that certificate, notice, information or evidence has been recorded on an official computer system.

(2) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such claim, certificate, notice, information or evidence, this shall be presumed not to be the case, if that claim, certificate, notice, information or evidence delivered to the Department has not been recorded on an official computer system.

(3) If it is necessary to provide, for the purpose of any legal proceedings, when any such claim, certificate, notice, information or evidence sent by means of an electronic communication has been received, the time and date of receipt shall be presumed to be that recorded on an official computer system.

Proof of content of information

7. If it is necessary to prove, for the purpose of any legal proceedings, the content of any claim, certificate, notice, information or evidence sent by means of an electronic communication, the content shall be presumed to be that recorded on an official computer system.”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (“the Claims and Payments Regulations”) to make provision for claims for attendance allowance, disability living allowance, graduated retirement benefit, retirement pension and shared additional pension to be made electronically.

Article 2 inserts regulation 4ZA into the Claims and Payments Regulations to provide for the use of electronic communication to make a claim for those benefits and to provide any certificate, notice, information or evidence connected with such a claim, subject to certain conditions being satisfied. It also inserts Schedule 8D into the Claims and Payments Regulations which sets out those conditions.

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