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STATUTORY INSTRUMENTS

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**2022 No. 503**

**The Child Support (Amendments Relating to  
Electronic Communications and Information)  
(England and Wales and Scotland) Regulations 2022**

**PART 3**

**The Child Support Information Regulations 2008**

**Amendment of the Child Support Information Regulations 2008**

7. The Child Support Information Regulations 2008(1) (“the 2008 Regulations”) are amended in accordance with regulations 8 to 12.

**Amendment of regulation 2 of the 2008 Regulations**

8. In regulation 2 (interpretation), in paragraph (1), after the definition of “the 1991 Act”, insert—  
““electronic communication” has the same meaning as in section 15(1) of the Electronic Communications Act 2000(2);”.

**Insertion of regulation 2A into the 2008 Regulations**

9. After regulation 2 (interpretation) insert—

**“Use of electronic communications**

**2A.** The Schedule makes provision for the use of electronic communications.”.

**Amendment of regulation 4 of the 2008 Regulations**

10. In regulation 4 (information from other persons)—

(a) after paragraph (2)(k) insert—

“(ka) a person (“P”)—

(i) who is carrying on, or who has carried on, share trading or investment management;

(ii) who is communicating, or who has communicated, in the course of business, an invitation or inducement to engage in share trading or investment management;

(kb) a person (P’s “intermediary”) who has, or who has had, arrangements with P that P is, or was, to—

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(1) [S.I. 2008/2551](#); amended by [2019/1084](#); there are other amending instruments but none are relevant.

(2) Section 15(1) was amended by the Communications Act [2003 \(c. 21\)](#), Schedule 17, paragraph 158.

- (i) carry on share trading or investment management;
- (ii) communicate, in the course of business, an invitation or inducement to engage in share trading or investment management;
- (kc) except where sub-paragraph (d) applies, a person providing, or who has provided, professional services to the non-resident parent, P or P's intermediary, in relation to the activities described in sub-paragraph (ka) or (kb);
- (kd) a proprietor of an Academy, where "proprietor" and "Academy" have the same meaning as in section 579 of the Education Act 1996<sup>(3)</sup>;
- (b) in paragraph (2)(m) after "occupational" insert " , or personal, ";
- (c) after paragraph (2)(m) insert—
  - "(n) the Motor Insurers' Bureau, a company limited by guarantee, or its officers where officer has the meaning given by section 1173(1) of the Companies Act 2006<sup>(4)</sup>."
- (d) after paragraph (3) insert—
  - "(4) For the purposes of this regulation—
    - "the 2001 Order" means the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001<sup>(5)</sup>
    - "the 2005 Order" means the Financial Services and Markets Act 2000 (Financial Promotion) Order 2005<sup>(6)</sup>
    - "carrying on share trading or investment management" means carrying on a regulated activity referred to in—
      - (a) any of articles 14, 21, 25, 40, 45 or 53 of the 2001 Order in relation to shares or stock within the meaning of article 76 of that Order;
      - (b) article 37 of the 2001 Order,
 and an expression referring to this is to be construed accordingly;
    - "engage in share trading or investment management" means engaging in an activity referred to in—
      - (a) any of paragraphs 3, 4, 6, 7 or 11 of Part I of Schedule 1 to 2005 Order in relation to shares or stock within the meaning of paragraph 14 of Part II of Schedule 1 to that Order,
      - (b) paragraph 5 of Part I of Schedule 1 to the 2005 Order;
 and an expression referring to this is to be construed accordingly;
    - "communicate" has the same meaning as in section 21(13) of the Financial Services and Markets Act 2000<sup>(7)</sup>;
    - "in the course of business" and "invitation or inducement" have the same meanings as in the Financial Services and Markets Act 2000;
    - "professional services" has the same meaning as in section 327(8) of the Financial Services and Markets Act 2000;

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(3) 1996 c. 56. The definition of "Academy" was amended by the Education Act 2011 (c. 21), Schedule 13, paragraph 9(17)(a). The definition of "proprietor" was amended by the Education Act 2011 (c. 21), Schedule 13, paragraph 9(17)(c).

(4) 2006 c. 46.

(5) S.I. 2001/544; relevant amending instruments are S.I. 2001/3544, 2002/682, 2003/1476, 2006/3384, 2011/2687, 2013/1881, 2014/1815, 2016/392, 2017/488, 2017/500, 2017/701, 2019/679, 2021/90.

(6) S.I. 2005/1529; relevant amending instruments are S.I. 2006/3384, 2014/366, 2014/1815, 2016/392, 2019/632, 2017/488, 2021/90.

(7) 2000 c. 8.

“regulated activity” has the same meaning as in section 22 of the Financial Services and Markets Act 2000(8).”.

### **Amendment of regulation 14A of the 2008 Regulations**

11. In regulation 14A (disclosure of information to credit reference agencies), in paragraph (2), for “address” substitute “postal address, or by electronic communication in accordance with the Schedule.”.

### **Insertion of the Schedule into the 2008 Regulations**

12. After regulation 15 insert—

“SCHEDULE

Regulation 2A

Electronic Communications

## **PART 1**

### **Use of Electronic Communications**

#### **Use of electronic communications**

1.—(1) Where these Regulations require or permit a person to carry out an action referred to in sub-paragraph (2)—

- (a) that person may, if the conditions specified in paragraph 2 are met, use electronic communication to carry out the action, and
- (b) any reference to the action is to be construed as being capable of being carried out using electronic communication.

(2) The actions are—

- (a) notifying;
- (b) the disclosure of any information under regulation 13 (disclosure of information to other persons).

#### **Conditions for the use of electronic communications**

2. The conditions for the use of electronic communications are—

- (a) the electronic communication, its form, and the electronic address for the communication, have been agreed with the recipient for a purpose in paragraph 1(2);
- (b) the electronic communication is sent in the agreed form to the agreed electronic address for the agreed purpose;
- (c) the electronic communication is—
  - (i) legible, and
  - (ii) in a form sufficiently permanent to be used for subsequent reference.

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(8) Section 22 was amended by [S.I. 2018/135](#), the Financial Guidance and Claims Act 2018 c. 10, Part 2, section 27(4)(b) and the Financial Services Act 2012 c. 21, Part 2, section 7(1)(a).

### **Use of intermediaries**

3. The Secretary of State may use intermediaries in connection with the actions referred to in paragraph 1(2).

## **PART 2**

### **Evidential provisions**

#### **Proof of delivery**

4.—(1) An agreed electronic communication is presumed, unless the contrary is proved, to have resulted in delivery if—

- (a) in the case that it falls to be delivered to the Secretary of State, the delivery of the agreed electronic communication is recorded on an official computer system; or
- (b) in the case that it falls to be delivered by the Secretary of State, if the despatch of the agreed electronic communication is recorded on an official computer system.

(2) An agreed electronic communication is presumed, unless the contrary is proved, not to have resulted in delivery if—

- (a) in the case that it falls to be delivered to the Secretary of State, the delivery of the agreed electronic communication is not recorded on an official computer system; or
- (b) in the case that it falls to be delivered by the Secretary of State, the despatch of that agreed electronic communication is not recorded on an official computer system.

(3) The time and date of receipt of an agreed electronic communication is presumed to be that recorded on an official computer system, unless the contrary is proved.

#### **Proof of identity**

5.—(1) The identity of the sender and the recipient of an electronic communication is presumed to be the persons whose names are recorded on an official computer system, unless the contrary is proved.

(2) An electronic communication sent on behalf of another person (“P”) is presumed to have been delivered by P unless P proves that it was delivered without P’s knowledge.

#### **Proof of content**

6. The content of an electronic communication is presumed to be that recorded on an official computer system, unless the contrary is proved.

#### **Interpretation**

7. In this Schedule—

“agreed electronic address” means an electronic address agreed in accordance with paragraph 2(a);

“agreed electronic communication” means an electronic communication agreed in accordance with paragraph 2(a);

“agreed form” means the form agreed in accordance with paragraph 2(a);

“agreed purpose” means the purpose agreed in accordance with paragraph 2(a);

“official computer system” means a computer system maintained by or on behalf of the Secretary of State for the purposes of these Regulations.”.