

## SCHEDULE 2

Regulation 3

### ELECTRONIC COMMUNICATIONS

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

- C1** Sch. 2 applied (for specified purposes and with effect in accordance with reg. 1(2) of the amending S.I.) by The Child Benefit and Guardian's Allowance (Decisions and Appeals) Regulations 2003 (S.I. 2003/916), regs. 1(1), **4(1)**

## PART 1

### GENERAL

#### Introduction

1. This Schedule supersedes the Social Security (Electronic Communications) (Child Benefit) Order 2002(1) which was made under section 8 of the Electronic Communications Act 2000(2).

#### Commencement Information

- I1** Sch. 2 para. 1 in force at 7.4.2003, see **reg. 1**

#### Interpretation

2.—(1) In this Schedule—

[<sup>F1</sup>“electronic communications” includes any communications conveyed by means of an electronic communications network.]

“official computer system” means a computer system maintained by or on behalf of the Board—

- (a) to send or receive information; or
- (b) to process or store information.

(2) References in this Schedule to the delivery of information and to information shall be construed in accordance with section 132(8) of the Finance Act 1999.

#### Textual Amendments

- F1** Words in Sch. 2 para. 2 substituted (17.9.2003) by The Communications Act 2003 (Consequential Amendments) Order 2003 (S.I. 2003/2155), art. 1(1), Sch. 1 para. 23(1)(e)(2)

#### Commencement Information

- I2** Sch. 2 para. 2 in force at 7.4.2003, see **reg. 1**

(1) S.I.2002/1789.

(2) 2000 c. 7. See generally section 54(10) of the Tax Credits Act 2002.

### Scope of this Schedule

3. This Schedule applies to the delivery of information to or by the Board, the delivery of which is authorised or required by these Regulations.

#### Commencement Information

**I3** Sch. 2 para. 3 in force at 7.4.2003, see [reg. 1](#)

## PART 2

### GENERAL

#### Use of electronic communications by the Board

4. The Board may only use electronic communications in connection with the matters referred to in paragraph 3 if—

- (a) the recipient has indicated that he consents to the Board using electronic communications in connection with those matters; and
- (b) the Board have not been informed that that consent has been withdrawn.

#### Commencement Information

**I4** Sch. 2 para. 4 in force at 7.4.2003, see [reg. 1](#)

#### Restrictions on the use of electronic communications by persons other than the Board

5.—(1) A person other than the Board may only use electronic communications in connection with the matters referred to in paragraph 3 if the conditions specified in sub-paragraphs (2) to (5) are satisfied.

(2) The first condition is that the person is for the time being permitted to use electronic communications for the purpose in question by an authorisation given by means of a specific or general direction of the Board.

(3) The second condition is that the person uses—

- (a) an approved method for authenticating the identity of the sender of the communication;
- (b) an approved method of electronic communications; and
- (c) an approved method for authenticating any information delivered by means of electronic communications.

(4) The third condition is that any information sent by means of electronic communications is in an approved form (including the manner in which the information is presented).

(5) The fourth condition is that the person maintains such records in written or electronic form as may be specified in a specific or general direction given by the Board.

(6) “Approved” means approved for the purposes of this Schedule, and for the time being, by means of a specific or general direction given by the Board.

**Commencement Information**

**I5** Sch. 2 para. 5 in force at 7.4.2003, see [reg. 1](#)

**Use of intermediaries**

6. The Board may use intermediaries in connection with—
- (a) the delivery of information by means of electronic communications in connection with the matters referred to in paragraph 3; and
  - (b) the authentication or security of anything transmitted by any such means,
- and may require other persons to use intermediaries in connection with those matters.

**Commencement Information**

**I6** Sch. 2 para. 6 in force at 7.4.2003, see [reg. 1](#)

## PART 3

### EVIDENTIAL PROVISIONS

**Effect of delivering information by means of electronic communications**

7.—(1) Information which is delivered by means of electronic communications shall be treated as having been delivered in the manner or form required by any provision of these Regulations if, but only if, all the conditions imposed by—

- (a) this Schedule,
- (b) any other applicable enactment (except to the extent that the condition thereby imposed is incompatible with this Schedule); and
- (c) any specific or general direction given by the Board,

are satisfied.

(2) Information delivered by means of electronic communications shall be treated as having been delivered on the day on which the last of the conditions imposed as mentioned in sub-paragraph (1) is satisfied.

This is subject to the following qualifications.

(3) The Board may by a general or specific direction provide for information to be treated as delivered upon a different date (whether earlier or later) than that given by sub-paragraph (2).

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

**Commencement Information**

**I7** Sch. 2 para. 7 in force at 7.4.2003, see [reg. 1](#)

**Changes to legislation:** There are currently no known outstanding effects for the The Child Benefit and Guardian's Allowance (Administration) Regulations 2003, SCHEDULE 2. (See end of Document for details)

### Proof of content

8.—(1) A document certified by an officer of the Board to be a printed-out version of any information delivered by means of electronic communications under this Schedule on any occasion shall be evidence, unless the contrary is proved, that that information—

- (a) was delivered by means of electronic communications on that occasion; and
- (b) constitutes the entirety of what was delivered on that occasion.

(2) A document purporting to be a certificate given in accordance with sub-paragraph (1) shall be presumed to be such a certificate unless the contrary is proved.

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#### Commencement Information

**I8** Sch. 2 para. 8 in force at 7.4.2003, see [reg. 1](#)

### Proof of identity of sender or recipient

9. The identity of—

- (a) the sender of any information delivered to an official computer system by means of electronic communications under this Schedule, or
- (b) the recipient of any information delivered by means of electronic communications from an official computer system,

shall be presumed, unless the contrary is proved, to be the person recorded as such on an official computer system.

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#### Commencement Information

**I9** Sch. 2 para. 9 in force at 7.4.2003, see [reg. 1](#)

### Information delivered electronically on another's behalf

10. Any information delivered by an approved method of electronic communications on behalf of any person shall be deemed to have been delivered by him unless he proves that it was delivered without his knowledge or connivance.

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#### Commencement Information

**I10** Sch. 2 para. 10 in force at 7.4.2003, see [reg. 1](#)

### Proof of delivery of information

11.—(1) The use of an authorised method of electronic communications shall be presumed, unless the contrary is proved, to have resulted in the delivery of information—

- (a) in the case of information falling to be delivered to the Board, if the delivery of the information has been recorded on an official computer system;
- (b) in the case of information falling to be delivered by the Board, if the despatch of the information has been recorded on an official computer system.

(2) The use of an authorised method of electronic communications shall be presumed, unless the contrary is proved, not to have resulted in the delivery of information—

- (a) in the case of information falling to be delivered to the Board, if the delivery of the information has not been recorded on an official computer system;
  - (b) in the case of information falling to be delivered by the Board, if the despatch of the information has not been recorded on an official computer system.
- (3) The time of receipt of any information sent by an authorised means of electronic communications shall be presumed, unless the contrary is proved, to be that recorded on an official computer system.

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**Commencement Information**

**I11** Sch. 2 para. 11 in force at 7.4.2003, see [reg. 1](#)

**Use of unauthorised means of electronic communications**

**12.**—(1) Sub-paragraph (2) applies to information which is required to be delivered to the Board in connection with the matters mentioned in paragraph 3.

(2) The use of a means of electronic communications, for the purpose of delivering any information to which this paragraph applies, shall be conclusively presumed not to have resulted in the delivery of that information, unless—

- (a) that means of electronic communications is for the time being approved for delivery of information of that kind; and
- (b) the sender is approved for the use of that means of electronic communications in relation to information of that kind.

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**Commencement Information**

**I12** Sch. 2 para. 12 in force at 7.4.2003, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Child Benefit and Guardian's Allowance (Administration) Regulations 2003, SCHEDULE 2.