

**2006 No. 2968**

**ELECTRONIC COMMUNICATIONS**

**The Housing Benefit and Council Tax Benefit (Electronic Communications) Order 2006**

|                               |                           |
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| <i>Made</i> - - - -           | <i>14th November 2006</i> |
| <i>Laid before Parliament</i> | <i>20th November 2006</i> |
| <i>Coming into force</i> - -  | <i>20th December 2006</i> |

The Secretary of State for Work and Pensions, considering 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 that will be available will be no less satisfactory in cases where use is made of electronic communications than in other cases, in exercise of the powers conferred by sections 8 and 9 of the Electronic Communications Act 2000(a), makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Housing Benefit and Council Tax Benefit (Electronic Communications) Order 2006 and shall come into force on 20th December 2006.

**Amendment of the Housing Benefit Regulations 2006**

2.—(1) The Housing Benefit Regulations 2006(b) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “the 1973 Act” insert—

““the 2000 Act” means the Electronic Communications Act 2000;”;

(b) after the definition of “the Eileen Trust” insert—

““electronic communication” has the same meaning as in section 15(1) of the 2000 Act;”.

(3) After regulation 83 (time and manner in which claims are to be made) insert—

**“Electronic claims for benefit**

**83A.** A claim for housing benefit may be made by means of an electronic communication in accordance with Schedule 11.”.

(4) After regulation 88 (duty to notify changes of circumstances) insert—

**“Notice of changes of circumstances given electronically**

**88A.** A person may give notice of a change of circumstances required to be notified under regulation 88 by means of an electronic communication in accordance with Schedule 11.”.

(5) After Schedule 10 (prescribed authorities) insert as Schedule 11 the Schedule set out in the Schedule to this Order.

**Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

**3.—**(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(a) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “the 1973 Act” insert—

““the 2000 Act” means the Electronic Communications Act 2000;”; and

(b) after the definition of “the Eileen Trust” insert—

““electronic communication” has the same meaning as in section 15(1) of the 2000 Act;”.

(3) After regulation 64 (time and manner in which claims are to be made) insert—

**“Electronic claims for benefit**

**64A.** A claim for housing benefit may be made by means of an electronic communication in accordance with Schedule 10.”.

(4) After regulation 69 (duty to notify changes of circumstances) insert—

**“Notice of changes of circumstances given electronically**

**69A.** A person may give notice of a change of circumstances required to be notified under regulation 69 by means of an electronic communication in accordance with Schedule 10.”.

(5) After Schedule 9 (prescribed authorities) insert as Schedule 10 the Schedule set out in the Schedule to this Order.

**Amendment of the Council Tax Benefit Regulations 2006**

**4.—**(1) The Council Tax Benefit Regulations 2006(b) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “the 1992 Act” insert—

““the 2000 Act” means the Electronic Communications Act 2000;”; and

(b) after the definition of “the Eileen Trust” insert—

““electronic communication” has the same meaning as in section 15(1) of the 2000 Act;”.

(3) After regulation 69 (time and manner in which claims are to be made) insert—

**“Electronic claims for benefit**

**69A.** A claim for council tax benefit may be made by means of an electronic communication in accordance with Schedule 9.”.

(4) After regulation 74 (duty to notify changes of circumstances) insert—

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(a) S.I. 2006/214.  
(b) S.I. 2006/215.

**“Notice of changes of circumstances given electronically**

**74A.** A person may give notice of a change of circumstances required to be notified under regulation 74 by means of an electronic communication in accordance with Schedule 9.”.

(5) After Schedule 8 (prescribed authorities) insert as Schedule 9 the Schedule set out in the Schedule to this Order.

**Amendment of the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

**5.**—(1) The Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(a) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “the 1992 Act” insert—

““the 2000 Act” means the Electronic Communications Act 2000;”; and

(b) after the definition of “the Eileen Trust” insert—

““electronic communication” has the same meaning as in section 15(1) of the 2000 Act;”.

(3) After regulation 53 (time and manner in which claims are to be made) insert—

**“Electronic claims for benefit**

**53A.** A claim for council tax benefit may be made by means of an electronic communication in accordance with Schedule 8.”.

(4) After regulation 59 (duty to notify changes of circumstances) insert—

**“Notice of changes of circumstances given electronically**

**59A.** A person may give notice of a change of circumstances required to be notified under regulation 59 by means of an electronic communication in accordance with Schedule 8.”.

(5) After Schedule 7 (prescribed authorities) insert as Schedule 8 the Schedule set out in the Schedule to this Order.

Signed by authority of the Secretary of State for Work and Pensions.

*James Plaskitt*  
Parliamentary Under Secretary of State,  
Department for Work and Pensions

14th November 2006

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(a) S.I. 2006/216.

# SCHEDULE

Articles 2(5), 3(5),  
4(5) and 5(5)

## “SCHEDULE

### Electronic Communication

#### PART 1

##### Introduction

##### **Interpretation**

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

#### PART 2

##### Electronic Communication – General Provisions

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

2.—(1) The relevant authority may use an electronic communication in connection with claims for, and awards of, benefit under these Regulations.

(2) A person other than the relevant authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.

(3) The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the relevant authority.

(4) The second condition is that the person uses an approved method of—

- (a) authenticating the identity of the sender of the communication;
- (b) electronic communication;
- (c) authenticating any claim or notice delivered by means of an electronic communication; and
- (d) subject to sub-paragraph (7), submitting to the relevant authority any claim, certificate, notice, information or evidence.

(5) The third condition is that any claim, certificate, notice, information or evidence sent by means of an electronic communication is in a form approved for the purposes of this Schedule.

(6) The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the relevant authority.

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

(8) In this paragraph “approved” means approved by means of a direction given by the Chief Executive of the relevant authority for the purposes of this Schedule.

### **Use of intermediaries**

3. The relevant authority 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.

## **PART 3**

### **Electronic Communication – Evidential Provisions**

#### **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 enactment,

are satisfied.

(2) The relevant authority 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 identity of sender or recipient of information**

5. If it is necessary to prove, for the purpose of any legal proceedings, the identity 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 relevant authority, if the delivery of that claim, certificate, notice, information or evidence has been recorded on an official computer system; or
- (b) any such claim, certificate, notice, information or evidence has been delivered by the relevant authority, 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 relevant authority has not been recorded on an official computer system.

(3) If it is necessary to prove, 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 enables the use of electronic communications in connection with claims for and awards of housing benefit and council tax benefit. The Order amends four instruments to the same effect. These are the Housing Benefit Regulations 2006, the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006, the Council Tax Benefit Regulations 2006 and the Council Tax Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006.

A full regulatory impact assessment has not been carried out in respect of this Order as it does not impose a cost on business, charities or the voluntary sector.

**2006 No. 2968**

**ELECTRONIC COMMUNICATIONS**

**The Housing Benefit and Council Tax Benefit (Electronic  
Communications) Order 2006**

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