
STATUTORY INSTRUMENTS

2022 No. 503

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

PART 4

The Child Support (Management of Payments and Arrears) Regulations 2009

Amendment of the Child Support (Management of Payments and Arrears) Regulations 2009

13. The Child Support (Management of Payments and Arrears) Regulations 2009(1) (“the 2009 Regulations”) are amended in accordance with regulations 14 to 20.

Amendment of regulation 2 of the 2009 Regulations

14. In regulation 2(1), after the definition of “the Decisions and Appeals Regulations”, 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 2009 Regulations

15. After regulation 2 insert—

“Use of electronic communications

2A. Schedule 1 makes provision for the use of electronic communications.”.

Amendment of regulation 13H of the 2009 Regulations

16. In regulation 13H (Secretary of State required to give notice)—

- (a) in paragraph (3)(da)(i) and (3)(da)(ii) after “post” insert “, or electronic communication in accordance with Schedule 1,”;
- (b) in paragraph (5) for “address” substitute “postal address”;
- (c) after paragraph (5) insert—

“(6) For the purposes of this regulation, where the Secretary of State sends any written notification by electronic communication to a person’s last known or notified address for electronic communication, that document is treated as having been received by that person at the end of the first day after the day it was sent.”.

(1) [S.I. 2009/3151](#); relevant amending instruments are [2012/3002](#); [2018/1279](#).

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

Amendment of regulation 13J of the 2009 Regulations

17. In regulation 13J (notification of decision to write off), in paragraph (2), after “post” insert “, or electronic communication in accordance with Schedule 1,”.

Amendment of regulation 14 of the 2009 Regulations

18. In regulation 14 (revocations) for “the Schedule” substitute “Schedule 2”.

Amendment of the Schedule to the 2009 Regulations

19. In the Schedule heading, after “Schedule”, insert “2”.

Insertion of Schedule 1 to the 2009 Regulations

20. Before Schedule 2 (revocations), as amended by regulation 19, insert—

“SCHEDULE 1

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) disclosing information;
- (b) giving consent or permission;
- (c) giving or sending of a document or notice;
- (d) informing or notifying a person;
- (e) making an application;
- (f) making representations;
- (g) preparing an agreement;
- (h) sending or serving an agreement or notice, including a copy of that agreement or notice.

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.

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—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“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.”.