
STATUTORY RULES OF NORTHERN IRELAND

2022 No. 178

The Child Support (Amendments Relating to Electronic Communications) Order (Northern Ireland) 2022

Amendment of the Child Support Maintenance Calculation Regulations

5.—(1) The Child Support Maintenance Calculation Regulations (Northern Ireland) 2012(1) are amended as follows.

(2) In regulation 2 (interpretation), after the definition of “the Earnings and Pensions Act”, insert—

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

(3) After regulation 2 (interpretation), add—

“Use of electronic communications

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

(4) In regulation 7 (service of documents), after paragraph (2), add—

“(3) Where the Department sends any written notification or any document by electronic communication to a person’s last known or notified address for electronic communication that document is treated as having been given or sent at the end of the first day after the day it was sent.”.

(5) In regulation 11(2) (notice of application), for paragraph (2), substitute—

“(2) The notice must be sent by—

(a) post to the last known address of the non-resident parent (as ascertained and verified in accordance with paragraph (3)(a)); or

(b) by electronic communication in accordance with the Schedule.”.

(6) In regulation 12(3) (initial effective date)—

(a) at the end of paragraph (2)(a) omit “or”;

(b) at the end of paragraph (2)(b) insert—

“or

(c) by electronic communication in accordance with the Schedule, at least one day prior to the initial effective date.”; and

(c) in sub-paragraphs (a) and (b) for “address” substitute “postal address”.

(7) After Regulation 77, insert—

(1) [S.R. 2012 No. 427](#)

(2) Relevant amending Rules are [S.R.2014 No. 193](#) and [S.R. 2016 No. 236](#)

(3) Regulation 12 was amended by [S.R. 2014 No. 193](#)

“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) authorising a representative;
- (b) certification;
- (c) giving or sending of a document or notice;
- (d) informing or notifying a person.

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 Department 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 Department, 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 Department, 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 Department, 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 Department, 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 Department for the purposes of these Regulations.”.