

SCHEDULE

Article 5

“SCHEDULE 9C

Regulations 4C and 32A

ELECTRONIC COMMUNICATION

PART 1

INTRODUCTION

Interpretation

1. In this Schedule “official computer system” means a computer system maintained by or on behalf of the Secretary of State for the—

- (a) sending or receiving of any claim, certificate, notice, information or evidence; or
- (b) 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 Secretary of State may use an electronic communication in connection with claims for, and awards of, child benefit and elections under regulation 6A of the Social Security (Guardian’s Allowances) Regulations 1975 (prescribed manner of making an election).

(2) A person other than the Secretary of State 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 Secretary of State.

(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, certificate, notice, information or evidence delivered by means of an electronic communication; and
- (d) subject to sub-paragraph (7), submitting to the Secretary of State 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 purpose 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 Secretary of State.

(7) Where the person uses any method other than the method approved by the Secretary of State, 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 Secretary of State for the purposes of this Schedule.

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Use of intermediaries

3. The Secretary of State 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 applicable enactment,

are satisfied.

(2) The Secretary of State 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).

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 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 Secretary of State, if the delivery of that claim, certificate, notice, information or evidence has been recorded on an official computer system; or
- (b) any such certificate, notice, information or evidence has been delivered by the Secretary of State, 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

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evidence, this shall be presumed not to be the case, if that claim, certificate, notice, information or evidence delivered to the Secretary of State 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 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.”.