

EXPLANATORY MEMORANDUM TO
THE SOCIAL SECURITY (ELECTRONIC COMMUNICATIONS)
(MISCELLANEOUS BENEFITS) ORDER 2005

2005 No. 3321

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The Order amends the Social Security (Claims and Payments) Regulations 1987 enabling the making of claims for Disability Living Allowance, Attendance Allowance, Retirement Pension graduated Retirement Benefit and shared additional pension by means of electronic communication.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 The Electronic Communications Act 2000 (the Act) has been passed to make provision to facilitate the use of electronic communications and electronic data storage.

4.2 Section 8 of the Act provides power for an appropriate Minister to modify regulations by order to facilitate the use of electronic communications for doing anything which the regulations say must or may be done in writing. Section 9 makes further provision for orders under section 8, including provision for supplementary directions. This order is made under sections 8 and 9 and provides for supplementary directions.

4.3 The powers in section 8 and 9 of the Act have already been utilised for enabling claims for Child Benefit and Carer's Allowance to be made by means of electronic communications.

5. Extent

5.1 This instrument applies to Great Britain

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

- 7.1 The Modernising Government White Paper, published in March 1999 set out the Government's vision and proposals for the modernisation and improvement of public services. Following this the Government set targets to enable all transactions to be made electronically by 2005. Key to this is the availability of the Government Gateway, offering a secure channel for electronic claims and messages.
- 7.2 This Order seeks to open up Disability Living Allowance, Attendance Allowance, Retirement Pension, Graduated Retirement Benefit and Shared Additional Pension to electronic methods of claiming, whilst ensuring that this is done under conditions which guarantee the security and integrity of any such claim.

8. Impact

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.
- 8.2 The impact on the public sector is negligible.

9. Contact

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