Draft Order laid before Parliament under section 9(4) of the Electronic Communications Act 2000, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2002 No.

SOCIAL SECURITY

The Social Security (Electronic Communications) (Child Benefit) Order 2002

Made - - - -	*2002*
Coming into force - -	*28th October 2002*

Whereas a draft of this instrument was laid before Parliament in accordance with section 9(4) of the Electronic Communications Act 2000(**1**) and approved by resolution of each House of Parliament.

Now, therefore, 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 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 on him by sections 8 and 9 of the Electronic Communications Act 2000 and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Social Security (Electronic Communications) (Child Benefit) Order 2002 and shall come into force on 28th October 2002.

(2) In this Order—

"the Change of Circumstances Regulations" means the Social Security (Notification of Change of Circumstances) Regulations 2001(**2**);

"the Child Benefit Regulations" means the Child Benefit (General) Regulations 1976(**3**);

"the Guardian's Allowances Regulations" means the Social Security (Guardian's Allowances) Regulations 1975(**4**);

"the principal Regulations" means the Social Security (Claims and Payments) Regulations 1987(**5**).

(**1**) 2000 c. 7.
(**2**) S.I.2001/3252.
(**3**) S.I. 1976/965.
(**4**) S.I. 1975/515.
(**5**) S.I. 1987/1968.

Amendment of the principal Regulations

2. In regulation 2(1)(**6**) of the principal Regulations (interpretation)—

(a) immediately before the definition of "appropriate office" there shall be inserted—

""the 2000 Act" means the Electronic Communications Act 2000;";

(b) after the definition of "disabled person's tax credit" there shall be inserted—

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

3. After regulation 4B(**7**) of the principal Regulations (forwarding claims and information) there shall be inserted—

"**Electronic claims for benefit**

4C.—(1) Any claim for benefit in relation to which this regulation applies, and any certificate, notice, information or evidence given in connection with that claim, may be made or given by means of an electronic communication, in accordance with the provisions set out in Schedule 9C.

(2) This regulation applies in relation to child benefit.".

4. After regulation 32 of the principal Regulations (information to be given when obtaining payment of benefit) there shall be inserted—

"**Information given electronically**

32A.—(1) Where this regulation applies a person may give any certificate, notice, information or evidence required to be given and in particular may give notice of any change of circumstances required to be notified under regulation 32 by means of an electronic communication, in accordance with the provisions set out in Schedule 9C.

(2) This regulation applies in relation to child benefit.".

5. After Schedule 9B(**8**) to the principal Regulations (deductions from benefit in respect of child support maintenance and payment to persons with care) there shall be inserted the Schedule set out in the Schedule to this Order.

Amendment of the Child Benefit Regulations

6. After regulation 2 of the Child Benefit Regulations (special provisions as to contributions and expenditure in respect of a child) there shall be inserted—

"**Electronic elections etc.**

2A. A person may give any nomination, election or notice which is required or may be given under regulations 2(**9**), 13 or 14 by means of an electronic communication in accordance with the provisions set out in Schedule 9C to the Social Security (Claims and Payments) Regulations 1987 (electronic communication).".

(**6**) Relevant amending instruments are S.I. 1999/2572 and S.I. 1999/3178.
(**7**) Regulation 4B was inserted by S.I. 1999/3108.
(**8**) Schedule 9B was inserted by S.I. 2001/18.
(**9**) Relevant amending instrument is S.I. 1976/1758.

Amendment of the Guardian's Allowances Regulations

7. After regulation 6A(**10**) of the Guardian's Allowances Regulations (prescribed manner of making an election) there shall be inserted—

"**Electronic elections**

6B. A person may give any election which is required or may be given under regulation 6A above by means of an electronic communication in accordance with the provisions set out in Schedule 9C to the Social Security (Claims and Payments) Regulations 1987 (electronic communication).".

Amendment of the Change of Circumstances Regulations

8. After regulation 5(1) of the Change of Circumstances Regulations (change affecting other benefit payment or advantage) there shall be inserted—

"(1A) The reference in paragraph (1) to notice "in writing" includes where that notice relates to child benefit, notice given or sent in accordance with Schedule 9C to the Social Security (Claims and Payments) Regulations 1987 (electronic communication).".

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

Parliamentary Under-Secretary of State,
2002 Department for Work and Pensions

(**10**) Regulation 6A was inserted by S.I. 1977/342 and amended by S.I. 1988/1843.