

2011 No. 298

SOCIAL SECURITY

**The Social Security (Electronic Communications) Order
(Northern Ireland) 2011**

Made - - - - - *30th August 2011*

Coming into operation in accordance with Article 1

The Department for Social Development makes the following Order in exercise of the powers conferred by sections 1 and 2 of the Electronic Communications Act (Northern Ireland) 2001(a).

In accordance with section 1(3) of that Act it considers 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.

Citation and commencement

1. This Order may be cited as the Social Security (Electronic Communications) Order (Northern Ireland) 2011 and shall come into operation on 30th September 2011 except for Articles 2(2)(b) and 3 which shall come into operation on 1st February 2012.

Amendment of the Social Security (Claims and Payments) Regulations

2.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(b) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 4ZC(2)(c) (electronic claims for benefit)—

- (a) after “attendance allowance,” insert “carer’s allowance,”; and
- (b) after “graduated retirement benefit,” insert “a jobseeker’s allowance,”.

(a) 2001 c. 9 (N.I.)

(b) S.R. 1987 No. 465; relevant amending Rules are S.R. 1995 No. 367, S.R. 2001 No. 175, S.R. 2003 Nos. 191, 224, 317, 421 and 527, S.R. 2006 No. 203 and S.R. 2008 Nos. 262 and 286

(c) Regulation 4ZC was inserted by Article 2(3) of S. R. 2006 No. 203

(3) After regulation 32(a) (information to be given and changes to be notified) insert—

“Information given electronically

32ZA.—(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 any electronic communication in accordance with the provisions set out in Schedule 8D(b).

(2) This regulation applies in relation to an award of—

- (a) attendance allowance;
- (b) carer’s allowance;
- (c) disability living allowance;
- (d) an employment and support allowance;
- (e) income support;
- (f) a jobseeker’s allowance.”.

(4) In paragraph 2(1) of Schedule 8D (electronic communication)—

- (a) for “attendance allowance,” substitute “, and awards of, attendance allowance, carer’s allowance,”;
- (b) after “graduated retirement benefit,” insert “a jobseeker’s allowance,”; and
- (c) at the end add “and in connection with awards of an employment and support allowance and income support”.

Amendment of the Jobseekers Order

3.—(1) The Jobseekers (Northern Ireland) Order 1995(c) is amended in accordance with paragraphs (2) and (3).

(2) In Article 11 (the jobseeker’s agreement) after paragraph (3) insert—

“(3A) The agreement may be in electronic form and signed by means of an electronic signature (within the meaning given in section 7(2) of the Electronic Communications Act 2000(d)).”.

(3) In Article 12 (variation of jobseeker’s agreement) after paragraph (2) insert—

“(2A) Any agreement to vary a jobseeker’s agreement may be in electronic form and signed by means of an electronic signature (within the meaning given in section 7(2) of the Electronic Communications Act 2000).”.

(a) Regulation 32 was amended by regulation 5(4) of S.R. 1995 No. 367, paragraph 2(8) of Schedule 2 to S.R. 2001 No. 175, regulation 11 of S.R. 2003 No. 191, regulation 2 of S.R. 2003 No. 224, regulation 2(7) of S.R. 2003 No. 317, regulation 4 of S.R. 2003 No. 421, regulation 2 of S.R. 2003 No. 527, regulation 3 of S.R. 2008 No. 262 and regulation 13(14) of S.R. 2008 No. 286

(b) Schedule 8D was inserted by Article 2(4) of S.R. 2006 No. 203

(c) S.I. 1995/2705 (N.I. 15), to which there are amendments not relevant to this Order

(d) 2000 c. 7

Amendment of the Jobseeker’s Allowance Regulations

4.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(a) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 1 (interpretation) after paragraph (3) insert—

“(3A) In such cases and subject to such conditions or requirements as the Department may specify by means of a direction, any requirement imposed by or under these Regulations for a signature may be satisfied by means of an electronic signature (within the meaning given in section 7(2) of the Electronic Communications Act 2000).”.

(3) After regulation 24(b) (provision of information and evidence) insert—

“Information given electronically

24A.—(1) A person may give any certificate, notice, information or evidence required to be given and in particular may give notice of a change of circumstances required to be notified under regulation 24 by means of an electronic communication in accordance with the provisions set out in Schedule 8D to the Claims and Payments Regulations.

(2) In this regulation “electronic communication” has the meaning given in section 4(1) of the Communications Act (Northern Ireland) 2001(c).”.

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations

5. In regulation 1(2) of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(d) (interpretation) in the definition of “the date of notification”—

(a) omit “or” after paragraph (a); and

(b) after paragraph (b) add—

“or

(c) where the notification of a decision of the Department is sent by means of an electronic communication (within the meaning given in section 4(1) of the Electronic Communications Act (Northern Ireland) 2001), the date on which the notification is sent;”.

Amendment of the Social Security (Notification of Change of Circumstances) Regulations

6.—(1) The Social Security (Notification of Change of Circumstances) Regulations (Northern Ireland) 2001(e) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 3(f) (change affecting jobseeker’s allowance)—

(a) in paragraph (1) at the beginning insert “Subject to paragraph (1A),”; and

(b) after paragraph (1) insert—

“(1A) Where the notice in writing referred to in paragraph (1) is given or sent by an electronic communication that notice must be given or sent in accordance with the provisions set out in Schedule 8D to the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987.”.

(a) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 No. 358, S.R. 2000 Nos. 37, 255 and 350, S.R. 2001 No.175 and S.R. 2006 No. 168

(b) Regulation 24 was amended by regulation 8 of S.R. 1996 No. 358, regulation 2(4) of S.R. 2000 No. 37, regulation 2(3) of S.R. 2000 No. 255, paragraph 3 of Schedule 2 to S.R. 2000 No. 350, paragraph 1 of Schedule 2 to S.R. 2001 No. 175 and regulation 3 of S.R. 2006 No. 168

(c) The definition of “electronic communication” was amended by paragraph 170 of Schedule 17 to the Communications Act 2003 (c. 21)

(d) S. R. 1999 No. 162, to which there are amendments not relevant to this Order

(e) S.R. 2001 No. 420; relevant amending regulations are S.R. 2003 No. 527 and S.R. 2006 No. 168

(f) Regulation 3 was amended by regulation5(a) of S.R. 2006 No. 168

- (3) In regulation 5(a) (change affecting other benefit, payment or advantage)—
- (a) in paragraph (1) at the beginning insert “Subject to paragraph (1A),”; and
 - (b) after paragraph (1) insert—

“(1A) Where this paragraph applies, where the notice in writing referred to in paragraph (1) is given or sent by an electronic communication that notice must be given or sent in accordance with the provisions set out in Schedule 8D to the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987.

(1B) Paragraph (1A) applies in relation to—

- (a) attendance allowance;
- (b) carer’s allowance;
- (c) disability living allowance;
- (d) an employment and support allowance;
- (e) income support.”.

Sealed with the Official Seal of the Department for Social Development on 30th August 2011

(L.S.)

Anne McCleary
A senior officer of the Department for Social Development

(a) Regulation 5 was amended by regulation 3 of S.R. 2003 No. 527

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 (“the Claims and Payments Regulations”), the Jobseekers (Northern Ireland) Order 1995 (“the Jobseekers Order”), the Jobseeker’s Allowance Regulations (Northern Ireland) 1996 (“the Jobseeker’s Allowance Regulations”), the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999 (“the Decisions and Appeals Regulations”) and the Social Security (Notification of Change of Circumstances) Regulations (Northern Ireland) 2001 (“the Notification of Change of Circumstances Regulations”) so as to facilitate the use of electronic communications and electronic storage in connection with claims for, and awards of certain benefits.

Article 2 amends the Claims and Payments Regulations to—

enable claims for carer’s allowance and a jobseeker’s allowance to be made electronically; and

provide for the giving of certificates, notices, information and evidence, including notice of a change of circumstances, in relation to awards of attendance allowance, carer’s allowance, disability living allowance, an employment and support allowance, a jobseeker’s allowance and income support by means of an electronic communication, subject to the provisions of Schedule 8D to those Regulations.

Article 3 amends the Jobseekers Order to enable a jobseeker’s agreement and any agreement to vary a jobseeker’s agreement to be made and signed by electronic means.

Article 4 amends the Jobseeker’s Allowance Regulations to enable—

signatures to be given electronically; and

a person to give any certificate, notice, information or evidence, including notice of a change of circumstances, by means of an electronic communication, subject to the provisions set out in Schedule 8D to the Claims and Payments Regulations.

Article 5 amends the definition of “date of notification” in the Decisions and Appeals Regulations so that it applies to decisions notified by means of an electronic communication.

Article 6 makes consequential changes to the Notification of Change of Circumstances Regulations.

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