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STATUTORY INSTRUMENTS

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**2022 No. 503**

**The Child Support (Amendments Relating to  
Electronic Communications and Information)  
(England and Wales and Scotland) Regulations 2022**

**PART 2**

**The Child Support (Collection and Enforcement) Regulations 1992**

**Amendment of the Child Support (Collection and Enforcement) Regulations 1992**

**2.** The Child Support (Collection and Enforcement) Regulations 1992(1) (“the 1992 Regulations”) are amended in accordance with regulations 3 to 6.

**Amendment of regulation 1 of the 1992 Regulations**

**3.** In regulation 1 (citation, commencement and interpretation)—

(a) in paragraph (2), after the definition of “the 2000 Act”, insert—

““electronic communication” has the same meaning as in section 15(1) of the Electronic Communications Act 2000(2);”;

(b) in paragraph (3)—

(i) at the end of sub-paragraph (a), omit “and”;

(ii) at the end of sub-paragraph (b), insert—

“; and

(c) any document or notice is given or sent to any other person, it shall, if sent by electronic communication, be treated as having been given or sent at the end of the first day after the day it was sent”.

**Insertion of regulation 1A into the 1992 Regulations**

**4.** After regulation 1 (citation, commencement and interpretation) insert—

**“Use of electronic communications**

**1A.** Schedule A1 makes provision for the use of electronic communications.”.

**Amendment of regulation 25A of the 1992 Regulations**

**5.** In regulation 25A (interpretation of this Part)—

(a) in paragraph (3), for sub-paragraph (b) substitute—

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(1) [S.I. 1992/1989](#); relevant amending instruments are [S.I. 2001/162](#); [2012/2007](#); [2018/1279](#).

(2) Section 15(1) was amended by the Communications Act 2003 (c. 21), Schedule 17, paragraph 158.

- “(b) on a liable person or, if the order is made in respect of a joint account, on another account holder—
  - (i) a copy of the order sent by electronic communication to that person’s last notified address for electronic communication, is to be treated as having been served at the end of the first working day after the day on which it was sent;
  - (ii) a copy of the order sent by post to that person’s last known or notified address, is to be treated as having been served at the end of the day on which the copy of the order was posted. ”;
- (b) omit paragraph (5);
- (c) in paragraph (7), omit sub-paragraphs (a) and (b).

**Insertion of Schedule A1 into the 1992 Regulations**

6. Before Schedule 1, insert—

“SCHEDULE A1

Regulation 1A

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) giving consent;
  - (b) giving or sending of a document or notice;
  - (c) notifying a person;
  - (d) making an application other than an application under—
    - (i) paragraph (2)(a) of regulation 22 (appeals against deduction from earnings orders);
    - (ii) regulation 28 (application for a liability order);
  - (e) making representations;
  - (f) serving a notice or order, including a copy of that notice or order;
  - (g) setting out in writing.

**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 Secretary of State 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 Secretary of State, 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 Secretary of State, 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 Secretary of State, 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 Secretary of State, 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 Secretary of State for the purposes of these Regulations.”.