

2011 No. 1498**SOCIAL SECURITY****The Social Security (Electronic Communications)
Order 2011**

Made - - - - *14th June 2011*

Coming into force - *in accordance with Article 1*

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, makes the following Order in exercise of the powers conferred by sections 8 and 9 of the Electronic Communications Act 2000(a).

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

Citation and commencement

1.—(1) This Order may be cited as the Social Security (Electronic Communications) Order 2011 and, except as provided in paragraph (2), it comes into force on 20th June 2011.

(2) Article 2 and 4(2) come into force on 1st February 2012.

[Article 2 amends sections 9(3) and 10(2) of 1995 c. 18.]

[Article 3 amends regulations 1 and 24 of S.I. 1996/2077.]

[Article 4 amends regulations 4ZC(2), 32ZA(2) and paragraph 2(1) to Schedule 9ZC of S.I. 1987/1968.]

[Article 5 amends regulation 1(3) of S.I. 1999/991.]

[Article 6 amends regulations 3 and 5 of S.I. 2001/3252.]

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

14th June 2011

C Grayling
Minister of State
Department for Work and Pensions

(a) 2000 c. 7. The power in section 8 is vested in “the appropriate Minister”. By virtue of section 9(1)(a), the Secretary of State is “the appropriate Minister” in relation to any matter with which a department of the Secretary of State is concerned.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Jobseekers Act 1995, the Jobseeker's Allowance Regulations 1996 ("the Jobseeker's Allowance Regulations"), the Social Security (Claims and Payments) Regulations 1987 ("the Claims and Payments Regulations"), the Social Security and Child Support (Decisions and Appeals) Regulations 1999 ("the Decisions and Appeals Regulations") and the Social Security (Notification of Change of Circumstances) Regulations 2001 ("the Notification of Change of Circumstances Regulations") so as to facilitate the use of electronic communications and electronic storage in the case of a jobseeker's allowance and certain other benefits.

Article 2 amends the Jobseekers Act 1995 to enable a jobseeker's agreement and any agreement to vary a jobseeker's agreement to be in an electronic form and signed by electronic means.

Article 3(2) amends the Jobseeker's Allowance Regulations to enable signatures to be given electronically.

Article 3(3) inserts a new regulation 24B in the Jobseeker's Allowance Regulations which enables a person to give any certificate, notice, information or evidence, including notice of a change of circumstances, relating to a jobseeker's allowance by means of an electronic communication, subject to the provisions of Schedule 9ZC (electronic communication) to the Claims and Payments Regulations.

Schedule 9ZC sets out the conditions to be satisfied where information, including a change of circumstances, is notified by means of an electronic communication and makes other provisions which apply to electronic communications. The conditions to be satisfied include conditions relating to the circumstances in which a person is authorised to use an electronic communication and relating to the form and method of communication.

Article 4(2) amends regulation 4ZC(2) of the Claims and Payments Regulations so as to authorise the use of electronic communication in connection with making claims for a jobseeker's allowance, subject to the provisions of Schedule 9ZC.

Article 4(3) extends the scope of regulation 32ZA of the Claims and Payments Regulations so that it applies to awards of attendance allowance, disability living allowance, an employment and support allowance, a jobseeker's allowance and income support, as well as carer's allowance. Regulation 32ZA provides for the giving of certificates, notices, information and evidence, including notice of a change of circumstances, by means of an electronic communication, subject to the provisions of Schedule 9ZC.

Article 4(4) amends Schedule 9ZC so as to authorise the Secretary of State to use electronic communications in connection with claims for, and awards of, a jobseeker's allowance and in connection with awards of an employment and support allowance and income support.

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 which prescribe the person to whom and manner in which a change of circumstances must be notified for the purposes of sections 111A and 112 of the Social Security Administration Act 1992 (offences relating to failure to notify a change of circumstances).

A copy of the directions referred to in Schedule 9ZC to the Claims and Payments Regulations is available on the Department for Work and Pensions publicly accessible website at: <http://www.dwp.gov.uk>.

A full impact assessment has not been produced for this instrument as it has no impact on the private sector or civil society organisations.