

Direction of Rob Walsh, Chief Executive North East Lincolnshire Council under the Housing Benefit and Council Tax Benefit (Electronic Communications) (Miscellaneous Benefits) Order 2006

North East Lincolnshire Council in accordance with paragraph 2 of Schedule 11 to the HB Regulations 2006, Schedule 9 of the CTB Regulations 2006, Schedule 10 of the HB (Persons who have attained the qualifying age for state pension credit) Regulations 2006 and Schedule 8 of the CTB (Persons who have attained the qualifying age for state pension credit) Regulations 2006; and Chapter 4, Part 3 of Section 1 of its Council Tax Reduction Scheme introduced under the provisions of The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 (SI 2012 No. 2885, hereby makes the following directions:-

1. An individual who, in accordance with the 2006 Regulations makes a claim for Housing Benefit or Council Tax Benefit under the Social Security Contributions and Benefits Act 1992 is authorised to do so by an electronic communication, provided that the individual uses the method approved by the Authority in relation to the claim.
2. An individual who, in accordance with the 2006 Regulations has had a change in their circumstances affecting their Housing Benefit or Council Tax Benefit under the Social Security Contributions and Benefits Act 1992 is authorised to do so by an electronic communication, provided that the individual uses the method approved by the Authority in relation to the change.
3. An individual who, in accordance with the North East Lincolnshire Council scheme makes an application for a Council Tax Reduction under the Local Government Finance Act 1992 is authorised to do so by an electronic communication, provided that the individual uses the method approved by the Authority in relation to the application.
4. An individual who, in accordance with the North East Lincolnshire Council scheme who has had a change in their circumstances affecting their entitlement to Council Tax Reduction under the Local Government Finance Act 1992 is authorised to do so by an electronic communication, provided that the individual uses the method approved by the Authority in relation to the change.
5. The methods and forms set out, at the time of, and for the purposes of, the delivery of such an application / informing of a change in circumstances communication as outlined in paragraphs 1 to 4 as provided on the Authority's website, are respectively :-
 - (a) the methods approved by the Authority for -

- (i) authenticating the identity of the individual making the claim / informing of a change in circumstances or the sender of the communication;
 - (ii) submitting the claim / informing of a change in circumstances communication;
 - (iii) authenticating any claim / informing of any change in circumstances or notices delivered by means of an electronic communication;
 - (iv) electronic communication, and
 - (v) submitting to the authority and information
- (b) the form approved by the Authority in which the claim, information on a change in circumstances is to be delivered.

Signed by:

Chief Executive

08 / December 2014

SI 2968/2006

The Housing Benefit and Council Tax Benefit (Electronic Communications) Order
2006

This inserted

Reg 83A into the working age HB regs

83A. A claim for housing benefit may be made by means of an electronic communication in accordance with Schedule 11.”.

And Reg 64A into the pensioner HB regs

64A. A claim for housing benefit may be made by means of an electronic communication in accordance with Schedule 10.”.

For working age 88A deals with changes of circs notified electronically and for pensioners this is 69A

88A. A person may give notice of a change of circumstances required to be notified under regulation 88 by means of an electronic communication in accordance with Schedule 11.”.

69A. A person may give notice of a change of circumstances required to be notified under regulation 69 by means of an electronic communication in accordance with Schedule 10.”.

Schedule 11 (HB working age Regs)

PART 1 Introduction

Interpretation

1. In this Schedule "official computer system" means a computer system maintained by or on behalf of the relevant authority or of the Secretary of State for sending, receiving, processing or storing of any claim, certificate, notice, information or evidence.

PART 2 Electronic Communication - General Provisions

Conditions for the use of electronic communication

2.—

- (1) The relevant authority may use an electronic communication in connection with claims for, and awards of, benefit under these Regulations.
- (2) A person other than the relevant authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.
- (3) The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the relevant authority.
- (4) The second condition is that the person uses an approved method of—
 - (a) authenticating the identity of the sender of the communication;
 - (b) electronic communication;
 - (c) authenticating any claim or notice delivered by means of an electronic communication; and
 - (d) subject to sub-paragraph (7), submitting to the relevant authority any claim, certificate, notice, information or evidence.

- (5) The third condition is that any claim, certificate, notice, information or evidence sent by means of an electronic communication is in a form approved for the purposes of this Schedule.
- (6) The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the relevant authority.
- (7) Where the person uses any method other than the method approved of submitting any claim, certificate, notice, information or evidence, that claim, certificate, notice, information or evidence shall be treated as not having been submitted.
- (8) In this paragraph "approved" means approved by means of a direction given by the Chief Executive of the relevant authority for the purposes of this Schedule.

Use of intermediaries

- 3. The relevant authority may use intermediaries in connection with—
 - (a) the delivery of any claim, certificate, notice, information or evidence by means of an electronic communication; and
 - (b) the authentication or security of anything transmitted by such means,and may require other persons to use intermediaries in connection with those matters.

PART 3 Electronic Communication - Evidential Provisions

Effect of delivering information by means of electronic communication

4.—

- (1) Any claim, certificate, notice, information or evidence which is delivered by means of an electronic communication shall be treated as having been delivered in the manner or form required by any provision of these Regulations, on the day the conditions imposed—

- (a) by this Schedule; and
 - (b) by or under an enactment,
- are satisfied.
- (2) The relevant authority may, by a direction, determine that any claim, certificate, notice, information or evidence is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).
 - (3) Information shall not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

Proof of identity of sender or recipient of information

- 5. If it is necessary to prove, for the purpose of any legal proceedings, the identity of—
 - (a) the sender of any claim, certificate, notice, information or evidence delivered by means of an electronic communication to an official computer system; or
 - (b) the recipient of any such claim, certificate, notice, information or evidence delivered by means of an electronic communication from an official computer system,

the sender or recipient, as the case may be, shall be presumed to be the person whose name is recorded as such on that official computer system.

Proof of delivery of information

6.—

- (1) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any claim, certificate, notice, information or evidence this shall be presumed to have been the case where—
 - (a) any such claim, certificate, notice, information or evidence has been delivered to the relevant authority, if the delivery of that

claim, certificate, notice, information or evidence has been recorded on an official computer system; or

- (b) any such claim, certificate, notice, information or evidence has been delivered by the relevant authority, if the delivery of that certificate, notice, information or evidence has been recorded on an official computer system.
- (2) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such claim, certificate, notice, information or evidence, this shall be presumed not to be the case, if that claim, certificate, notice, information or evidence delivered to the relevant authority has not been recorded on an official computer system.
 - (3) If it is necessary to prove, for the purpose of any legal proceedings, when any such claim, certificate, notice, information or evidence sent by means of an electronic communication has been received, the time and date of receipt shall be presumed to be that recorded on an official computer system.

Proof of content of information

- 7. If it is necessary to prove, for the purpose of any legal proceedings, the content of any claim, certificate, notice, information or evidence sent by means of an electronic communication, the content shall be presumed to be that recorded on an official computer system.

Schedule 10 (Pensioner Regs)

PART 1 Introduction

Interpretation

1. In this Schedule "official computer system" means a computer system maintained by or on behalf of the relevant authority or of the Secretary of State for sending, receiving, processing or storing of any claim, certificate, notice, information or evidence.

PART 2 Electronic Communication - General Provisions

Conditions for the use of electronic communication

2.—

- (1) The relevant authority may use an electronic communication in connection with claims for, and awards of, benefit under these Regulations.
- (2) A person other than the relevant authority may use an electronic communication in connection with the matters referred to in sub-paragraph (1) if the conditions specified in sub-paragraphs (3) to (6) are satisfied.
- (3) The first condition is that the person is for the time being permitted to use an electronic communication by an authorisation given by means of a direction of the Chief Executive of the relevant authority.
- (4) The second condition is that the person uses an approved method of—
 - (a) authenticating the identity of the sender of the communication;
 - (b) electronic communication;
 - (c) authenticating any claim or notice delivered by means of an electronic communication; and
 - (d) subject to sub-paragraph (7), submitting to the relevant authority any claim, certificate, notice, information or

evidence.

- (5) The third condition is that any claim, certificate, notice, information or evidence sent by means of an electronic communication is in a form approved for the purposes of this Schedule.
- (6) The fourth condition is that the person maintains such records in written or electronic form as may be specified in a direction given by the Chief Executive of the relevant authority.
- (7) Where the person uses any method other than the method approved of submitting any claim, certificate, notice, information or evidence, that claim, certificate, notice, information or evidence shall be treated as not having been submitted.
- (8) In this paragraph "approved" means approved by means of a direction given by the Chief Executive of the relevant authority for the purposes of this Schedule.

Use of intermediaries

3. The relevant authority may use intermediaries in connection with—
 - (a) the delivery of any claim, certificate, notice, information or evidence by means of an electronic communication; and
 - (b) the authentication or security of anything transmitted by such means,and may require other persons to use intermediaries in connection with those matters.

PART 3 Electronic Communication - Evidential Provisions

Effect of delivering information by means of electronic communication

4.—

- (1) Any claim, certificate, notice, information or evidence which is delivered by means of an electronic communication shall be treated as having been delivered in the manner or form required by any provision of these Regulations, on the day the conditions

imposed—

(a) by this Schedule; and

(b) by or under an enactment,

are satisfied.

- (2) The relevant authority may, by a direction, determine that any claim, certificate, notice, information or evidence is to be treated as delivered on a different day (whether earlier or later) from the day provided for in sub-paragraph (1).
- (3) Information shall not be taken to have been delivered to an official computer system by means of an electronic communication unless it is accepted by the system to which it is delivered.

Proof of identity of sender or recipient of information

5. If it is necessary to prove, for the purpose of any legal proceedings, the identity of—

- (a) the sender of any claim, certificate, notice, information or evidence delivered by means of an electronic communication to an official computer system; or
- (b) the recipient of any such claim, certificate, notice, information or evidence delivered by means of an electronic communication from an official computer system,

the sender or recipient, as the case may be, shall be presumed to be the person whose name is recorded as such on that official computer system.

Proof of delivery of information

6.—

- (1) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any claim, certificate, notice, information or evidence this shall be presumed to have been the case where—

- (a) any such claim, certificate, notice, information or evidence has been delivered to the relevant authority, if the delivery of that claim, certificate, notice, information or evidence has been recorded on an official computer system; or
 - (b) any such claim, certificate, notice, information or evidence has been delivered by the relevant authority, if the delivery of that certificate, notice, information or evidence has been recorded on an official computer system.
- (2) If it is necessary to prove, for the purpose of any legal proceedings, that the use of an electronic communication has resulted in the delivery of any such claim, certificate, notice, information or evidence, this shall be presumed not to be the case, if that claim, certificate, notice, information or evidence delivered to the relevant authority has not been recorded on an official computer system.
- (3) If it is necessary to prove, for the purpose of any legal proceedings, when any such claim, certificate, notice, information or evidence sent by means of an electronic communication has been received, the time and date of receipt shall be presumed to be that recorded on an official computer system.

Proof of content of information

- 7. If it is necessary to prove, for the purpose of any legal proceedings, the content of any claim, certificate, notice, information or evidence sent by means of an electronic communication, the content shall be presumed to be that recorded on an official computer system.

We have mirrored this in the CTRS scheme as well

It is Paragraph 69.2 and 101 – 106A

Electronic signatures and related certificates.

(1) In any legal proceedings—

(a) an electronic signature incorporated into or logically associated with a particular electronic communication or particular electronic data, and

(b) the certification by any person of such a signature,

shall each be admissible in evidence in relation to any question as to the authenticity of the communication or data or as to the integrity of the communication or data.

(2) For the purposes of this section an electronic signature is so much of anything in electronic form as—

(a) is incorporated into or otherwise logically associated with any electronic communication or electronic data; and

(b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the communication or data, the integrity of the communication or data, or both.

(3) For the purposes of this section an electronic signature incorporated into or associated with a particular electronic communication or particular electronic data is certified by any person if that person (whether before or after the making of the communication) has made a statement confirming that—

(a) the signature,

(b) a means of producing, communicating or verifying the signature, or

(c) a procedure applied to the signature,

is (either alone or in combination with other factors) a valid means of establishing the authenticity of the communication or data, the integrity of the communication or data, or both.