EXPLANATORY MEMORANDUM

THE SOCIAL SECURITY (ELECTRONIC COMMUNICATIONS) (No. 2) ORDER (NORTHERN IRELAND) 2011

S.R. 2011 No. 431

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Social Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under sections 1 and 2 of the Electronic Communications Act (Northern Ireland) 2001 and is subject to the negative resolution procedure.

2. Purpose

2.1 This Order amends the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987 and the Social Security (Notification of Change of Circumstances) Regulations (Northern Ireland) 2001 by adding incapacity benefit, retirement pension and state pension credit to the list of benefits for which changes of circumstances can be notified by electronic means should a claimant wish to do so.

3. Background

3.1 The Electronic Communications Act (Northern Ireland) 2001 enables the Department to authorise the use of electronic communications for any purpose where it considers that the authorisation is such that the extent (if any) to which records of things done for that purpose will be no less satisfactory in cases where use is made of electronic communications or electronic storage than in other cases.

3.2 In 2006 provision was made to enable claims for attendance allowance, disability living allowance, graduated retirement benefit, retirement pension and shared additional pension to be made electronically. This provision did not make electronic communications compulsory but offered an electronic alternative to those who want to use it to do business with the Department. The existing method of claiming by the completion of a claim form is still available should people wish to do so.

3.3 This provision was extended recently to claims for carer's allowance and jobseeker's allowance and for the notification of changes of circumstances in relation to attendance allowance, carer's allowance, disability living allowance, employment and support allowance, jobseeker's allowance and income support.

4. Consultation

4.1 There is no requirement to consult in relation to this Order.

5. Equality Impact

5.1 In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department conducted a screening exercise on proposals for this Order and has concluded that they did not have significant implications for equality of opportunity. In light of this, the Department considered that an equality impact assessment was not necessary.

5. Regulatory Impact

6.1 This Order does not require a Regulatory Impact Assessment as it does not impose a cost on business, charities or voluntary bodies.

7. Financial Implications

7.1 None.

8. Section 24 of the Northern Ireland act 1998

8.1 The Department has considered section 24 of the Northern Ireland Act 1998 and is satisfied the Rule—

(a) is not incompatible with any of the Convention rights,

(b) is not incompatible with Community law,

(c) does not discriminate against a person or class of person on the ground of religious belief or political opinion, and

(d) does not modify an enactment in breach of section 7 of the Northern Ireland Act 1998.

9. EU Implications

9.1 Not applicable.

10. Parity or Replicatory Measure

10.1 The corresponding Great Britain Order is Social Security (Electronic Communications) (No. 2) Order 2011 (S.I. 2011/2943). Parity is an integral part of the maintenance of single systems of social security, pensions and child support provided for in section 87 of the Northern Ireland Act 1998.