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STATUTORY INSTRUMENTS

1976 No. 615

SOCIAL SECURITY

The Social Security (Medical Evidence) Regulations 1976

<i>Made</i>	- - - -	<i>21st April 1976</i>
<i>Laid before Parliament</i>		<i>30th April 1976</i>
<i>Coming into Operation</i>		<i>4th October 1976</i>

The Secretary of State for Social Services, in exercise of powers conferred upon him by section 115(1) of, and Schedule 13 to, the Social Security Act 1975 and of all other powers enabling him in that behalf, after reference to the National Insurance Advisory Committee, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Medical Evidence) Regulations 1976, and shall come into operation on 4th October 1976.

(2) In these regulations, unless the context otherwise requires—

“the Act” means the Social Security Act 1975;

“certified midwife” means a person who is for the time being certified as a midwife within the meaning of section 32 of the Midwives Act 1951 or section 35 of the Midwives (Scotland) Act 1951;

“doctor” means a registered medical practitioner;

“signature” means, in relation to any statement or certificate given in accordance with these regulations, the name by which the person giving that statement or certificate, as the case may be, is usually known (any name other than the surname being either in full or otherwise indicated) written by that person in his own handwriting; and “signed” shall be construed accordingly.

(3) Any reference in these regulations to any provisions made by or contained in any enactment or instrument shall, except in so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which it re-enacts or replaces, or which may re-enact or replace it, with or without modification.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889 shall apply in relation to this instrument and in relation to the revocation effected by it as if this

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instrument, the regulations revoked by it and regulations revoked by the regulations so revoked were Acts of Parliament, and as if each revocation were a repeal.

Evidence of incapacity for work and confinement

2.—(1) Where a person claims any benefit and his entitlement to that benefit depends on his being incapable of work in respect of the day or days to which his claim relates, he shall furnish evidence of such incapacity in respect of that day or those days either by means of a certificate in the form of a statement in writing given by a doctor in accordance with the rules set out in Part I of Schedule 1 to these regulations on the form set out in Part II of that Schedule or by such other means as may be sufficient in the circumstances of any particular case.

(2) Every person to whom paragraph (1) applies shall, before he returns to work, furnish evidence of the date on which he will become fit to resume work either in accordance with rule 10 of Part I of Schedule 1 to these regulations, or by such other means as may be sufficient in the circumstances of the case.

(3) Every woman who claims maternity benefit shall furnish evidence—

(a) where the claim is made in respect of expectation of confinement, that she is pregnant and as to the stage which she has reached in her pregnancy; or

(b) where the claim is made by virtue of the fact of confinement, that she has been confined, and shall furnish such evidence by means of a certificate given by a doctor or by a certified midwife in accordance with the rules set out in Part I of Schedule 2 to these regulations in the appropriate form as set out in Part II of that Schedule or by such other means as may be sufficient in the circumstances of any particular case.

Amendment of the Social Security (Claims and Payments) Regulations 1975

3. In regulation 11 of the Social Security (Claims and Payments) Regulations 1975⁽¹⁾, as amended ⁽²⁾ (forward allowances and disallowances of sickness, invalidity and injury benefit and non-contributory invalidity pension), for paragraph (5) there shall be substituted the following paragraph:—

“(5) For the purposes of paragraphs (1) to (4A) a medical certificate means—

(a) a doctor's statement issued in the form prescribed in Part II of Schedule 1 to the Social Security (Medical Evidence) Regulations 1976, or having effect as so issued, which advises the claimant to refrain from work for the period specified in it; or

(b) a certificate issued by a person accepted by the Secretary of State as an appropriate person which certifies on a form approved by the Secretary of State that the claimant is in hospital and is expected to remain there for the period specified in it; or

(c) a doctor's statement in the form of a special statement issued by a doctor on a form approved by the Secretary of State in which that doctor advises the claimant to refrain from work for a specified period of not more than 1 month, on the basis of a written report which—

(i) was received by that doctor from another doctor (other than a partner, assistant or other deputy of the doctor issuing the statement), and

(ii) was issued on a date not more than 1 month earlier than the date of the statement;

(1) (1975 I, p. 2014).

(2) S.I. 1975/1058 (1975 II, p. 3691).

and in this sub-paragraph “doctor” means a registered medical practitioner not being the claimant.”.

Transitional provisions and revocation

4.—(1) Any certificate given or furnished or having effect as given or furnished under the Social Security (Medical Certification) Regulations 1975⁽³⁾ shall be deemed to have been given or furnished under these regulations, and anything whatsoever begun or having effect as if begun under those regulations may be continued under these regulations as if begun under these regulations.

(2) The Social Security (Medical Certification) Regulations 1975 are hereby revoked.

21st April 1976

David Ennals
Secretary of State for Social Services

(3) (1975 I, p. 1744).

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SCHEDULE 1

Regulation 2(1)

PART I

RULES

1. In these rules, unless the context otherwise requires—
 - “claimant” means the person in respect of whom a statement is given in accordance with these rules;
 - “doctor” means a registered medical practitioner not being the claimant;
 - “doctor's statement” means a statement given in accordance with these rules;
 - “2 weeks” means any period of 14 consecutive days.
2. The doctor's statement shall be in the form set out in Part II of this Schedule.
3. Where the claimant is on the list of a doctor providing general medical services under the National Health Service Act 1946, or the National Health Service (Scotland) Act 1947, and is being attended by such a doctor, the doctor's statement shall be on a form provided by the Secretary of State for the purpose and shall be signed by that doctor.
4. In any other case, the doctor's statement shall be either on a form provided by the Secretary of State for the purpose or in a form substantially to the like effect, and shall be signed by the doctor attending the claimant.
5. Every doctor's statement shall be completed in ink or other indelible substance, and shall contain the following particulars:—
 - (a) the claimant's name;
 - (b) the date of the examination on which the doctor's statement is based;
 - (c) the diagnosis of the claimant's disorder in respect of which the doctor is advising the claimant to refrain from work or, as the case may be, which has caused the claimant's absence from work;
 - (d) the date on which the doctor's statement is given;
 - (e) the address of the doctor,and shall bear, opposite the words “Doctor's signature”, the signature of the doctor making the statement written after there have been entered the claimant's name and the doctor's diagnosis.
6. Subject to rules 7 and 8 below, the diagnosis of the claimant's disorder in respect of which the doctor is advising the claimant to refrain from work or, as the case may be, which has caused the claimant's absence from work shall be specified as precisely as the doctor's knowledge of the claimant's condition at the time of the examination permits.
7. Where, in the doctor's opinion, a disclosure to the claimant of the precise disorder would be prejudicial to his well-being, the diagnosis may be specified less precisely.
8. In the case of an initial examination by a doctor in respect of a disorder stated by the claimant to have caused incapacity for work, where—
 - (a) there are no clinical signs of that disorder, and
 - (b) in the doctor's opinion, the claimant need not refrain from work,instead of specifying a diagnosis “unspecified” may be entered.
9. A doctor's statement must be given on a date not later than one day after the date of the examination on which it is based, and no further doctor's statement based on the same examination

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shall be furnished other than a doctor's statement by way of replacement of an original which has been lost or mislaid, in which case it shall be clearly marked "duplicate".

10. Where, in the doctor's opinion, the claimant will become fit to resume work on a day not later than 2 weeks after the date of the examination on which the doctor's statement is based, the doctor's statement shall specify that day.

11. Subject to rules 12 and 13 below, the doctor's statement shall specify the minimum period during which, in the doctor's opinion, the claimant should, by reason of his disorder, refrain from work.

12. The period specified shall begin on the date of the examination on which the doctor's statement is based and shall not exceed 6 months unless the claimant has, on the advice of a doctor, refrained from work for at least 6 months immediately preceding that date.

Where

- (a) (a) the claimant has, on the advice of a doctor, refrained from work for at least 6 months immediately preceding the date of the examination on which the doctor's statement is based, and
- (b) in the doctor's opinion, it will be necessary for the claimant to refrain from work for the foreseeable future,

instead of specifying a period, the doctor may, having regard to the circumstances of the particular case, enter the words "until further notice".

14. The Notes set out in Part III of this Schedule shall accompany the form of doctor's statement provided by the Secretary of State.

15. A doctor may, having regard to the circumstances of the particular case, indicate on the doctor's statement that the claimant should be considered for vocational rehabilitation.

PART II

FORM OF DOCTOR'S STATEMENT

DOCTOR'S STATEMENT

PART III

THE NOTES

The following notes shall accompany the form of doctor's statement provided by the Secretary of State:—

On the doctor's statement:—

(1) After the words "you should refrain from work for", the period entered must not exceed 6 months unless the patient has, on the advice of a doctor, already refrained from work for a continuous period of 6 months.

(2) After the words "you should refrain from work until"—

- (a) if the patient is being given a date when he can return to work the date entered should not be more than 2 weeks after the date of the examination;

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- (b) if the patient has already been incapable of work for at least 6 months and recovery of capacity for work in the foreseeable future is not expected “further notice” may be entered.

SCHEDULE 2

Regulation 2(3)

PART I RULES

1. In these rules “claimant” means the woman in respect of whom a certificate is given in accordance with these rules.

2. Certificates of expected confinement or confinement shall be given by a doctor or certified midwife attending the claimant and shall not be given by the claimant.

3. The certificate shall be on a form provided by the Secretary of State for the purpose and the wording shall be that set out in the appropriate form in Part II of this Schedule.

4. Every certificate of expected confinement or confinement shall be completed in ink or other indelible substance and shall contain the following particulars:—

- (a) the claimant's name;
- (b) in the case of a certificate of expected confinement, the week in which it is to be expected that the claimant will be confined and the date of the examination on which the certificate is based;
- (c) in the case of a certificate of confinement, the date and place of the confinement, and the date of the examination on which the certificate is based;
- (d) the date on which the certificate is given;
- (e) where the certificate is signed by a midwife, either the registered number of the midwife or her address and the date of her qualification;

and shall bear, opposite the word “Signature”, the signature of the person giving the certificate written after there have been entered on the certificate the claimant's name and the expected date or, as the case may be, the date of the confinement.

5. After a certificate has been given, no further certificate based on the same examination shall be furnished other than a certificate by way of replacement of an original which has been lost or mislaid, in which case it shall be clearly marked “duplicate”.

PART II

FORMS OF CERTIFICATE

CERTIFICATE OF EXPECTED CONFINEMENT

EXPLANATORY NOTE

The Regulations provide for the manner in which evidence of incapacity for work or of expected confinement or confinement is to be given for the purposes of a claim for benefit under the Social Security Act 1975 for which evidence is required. The Regulations replace the Social Security (Medical Certification) Regulations 1975 (“the 1975 Regulations”) which are revoked.

The Regulations and Rules in Schedule 1 prescribe a certificate in the form of a doctor's statement in which the issuing doctor advises the claimant that he need not refrain from work or, as the case may be, that he should refrain from work for a period of up to 6 months, or longer in certain circumstances. Certificates for the purposes of maternity benefit are prescribed in Schedule 2 and correspond to those in the 1975 Regulations. The Regulations amend the Social Security (Claims and Payments) Regulations 1975 so that a doctor's statement and a special statement based on a written report from another doctor may be accepted for the purposes of forward allowances of certain benefits.

The Report of the National Insurance Advisory Committee dated 10th March 1976 on the draft of these Regulations referred to them is contained in House of Commons Paper No. 349 (Session 1975–76) published by Her Majesty's Stationery Office.

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