

SCHEDULE 4

Regulation 25

LIST OF PRESCRIBED MEDICAL CERTIFICATES

| <i>Description of medical certificate</i> | <i>Enactment under or for the purpose of which certificate required</i> | <i>Alternative provider</i> |
|--|---|--|
| 1. To support a claim or to obtain payment either personally or by proxy; to prove incapacity to work or for self-support for the purposes of an award by the Secretary of State; or to enable proxy to draw pensions etc. | Naval and Marine Pay and Pensions Act 1865 (1) | |
| | Air Force (Constitution) Act 1917 (2) | |
| | Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939 (3) | |
| | Personal Injuries (Emergency Provisions) Act 1939 (4) | |
| | Pensions (Mercantile Marine) Act 1942 (5) | |
| | Polish Resettlement Act 1947 (6) | |
| | Social Security Administration Act 1992 (7) | |
| | Social Security Contributions and Benefits Act 1992 (8) | |
| | Social Security Act 1998 (9) | Health care professional (10) |
| 2. To establish pregnancy for the purpose of obtaining welfare foods. | Section 13 of the Social Security Act 1988 (schemes for distribution etc. of welfare foods) (11) | Registered midwife or registered nurse (12) |
| 3. To secure registration of still-birth. | Section 21 of the Registration of Births, Deaths and Marriages | Registered midwife |

(1) 1865 c.73.**(2)** 1917 c.51.**(3)** 1939 c.83.**(4)** 1939 c.82.**(5)** 1942 c.26.**(6)** 1947 c.19.**(7)** 1992 c.5.**(8)** 1992 c.4.**(9)** 1998 c.14 (“the 1998 Act”).**(10)** The Secretary of State and the First-tier Tribunal may, before making a decision on a benefit claim refer the claimant to a “health care professional” approved by the Secretary of State for an examination and report under sections 19 and 20 of the 1998 Act. For these purposes a health care professional has the same meaning as in these Regulations: section 39 of the 1998 Act. Section 19 of the 1998 Act was amended by Part 1 of schedule 10 of Social Security Contributions (Transfer of Functions etc) Act 1999 (c.2) (“the 1999 Act”) and section 62(2) of the Welfare Reform Act 2007 (c.5) (“the 2007 Act”). Section 20 of the 1998 Act was amended by Part 1 of schedule 10 of the 1999 Act, section 62(3) of the 2007 Act and S.I. 2008/2833. Section 39 of the 1998 Act was relevantly amended by section 62(5) of the 2007 Act.**(11)** 1988 c.7. Section 13 was substituted by section 185 of the Health and Social Care (Community Health and Standards) Act 2003 (c.43).**(12)** Paragraphs 2 and 5 of S.I. 2005/3262 require claims to be signed by a health professional. “Health professional” is defined in regulation 2 of S.I. 2005/3262 as a registered medical practitioner, registered nurse or registered midwife.

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018, SCHEDULE 4. (See end of Document for details)

| <i>Description of medical certificate</i> | <i>Enactment under or for the purpose of which certificate required</i> | <i>Alternative provider</i> |
|---|---|---|
| | (Scotland) Act 1965 (special provision as to registration of still-birth)(13) | |
| 4. To establish unfitness for jury service. | Criminal Procedure (Scotland) Act 1995(14) Court Of Session Act 1988(15) | |
| 5. To support late application for reinstatement in civil employment or notification of non-availability to take up employment owing to sickness. | Reserve Forces (Safeguard of Employment) Act 1985(16) | |
| 6. To enable a person to be registered as an absent voter on grounds of physical incapacity. | Paragraph 3(3) (b) of schedule 4 of Representation of the People Act 2000(17) | (a) a registered nurse; (b) a registered dentist; (c) a registered dispensing optician or a registered optometrist; (d) a registered pharmacist; (e) a registered osteopath; (f) a registered chiropractor (g) a Christian Science practitioner; (h) a person registered as a member of a profession to which the [F ¹ Health Professions Order 2001 for the time being extends]; |

(13) 1965 c.49. Section 21 was amended by section 24, paragraphs 12 and 13 of schedule 7 and schedule 8 of the Nurses, Midwives and Health Visitors Act 1979 (c.36), section 40 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14) and sections 26, 27 and paragraph 3 of schedule 2 of the Certification of Death (Scotland) Act 2011 (asp 11).

(14) 1995 c.46.

(15) 1988 c.36.

(16) 1985 c.17.

(17) 2000 c.2 (“the 2000 Act”). Paragraph 3(3)(b) of schedule 4 was amended by paragraph 137 of schedule 1 of the Electoral Administration Act 2006 (c.22) and section 34(5) of the Local Electoral Administration and Registration Services (Scotland) Act 2006. Those able to attest and sign an application under paragraph 3(3)(b) of schedule 4 of the 2000 Act are listed in regulation 53(2) of S.I. 2001/497, as amended by S.I. 2002/253, S.I. 2002/254, S.I. 2007/925, S.I. 2009/1182, S.I. 2010/231, S.I. 2011/2581 and S.I. 2012/1479.

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|---|---|---|
| | | <ul style="list-style-type: none"> (i) The manager of a care home service registered under a registered care home under Part 5 of the Public Services Reform (Scotland) Act 2010⁽¹⁸⁾; (j) the warden of premises forming one of a group of premises provided for persons of pensionable age or disabled persons for which there is a resident warden, where the applicant states that he resides in such premises; (k) a hospital manager (or a person on behalf of a manager) within the meaning of section 329 of the Mental Health (Care and Treatment) (Scotland) Act 2003⁽¹⁹⁾; or (l) a person registered as a social worker |
| <p>7. To support applications for certificates conferring exemption from charges in respect of drugs, medicines and appliances.</p> | <p>National Health Service (Scotland) Act 1978⁽²⁰⁾</p> <p>National Health Service (Free Prescriptions and Charges for Drugs and Appliances) (Scotland) Regulations 2011⁽²¹⁾</p> | <p>Registered midwife or health care professional</p> |

⁽¹⁸⁾ 2010 asp 8. “Care home service” is defined in paragraph 2 of schedule 12 of that Act.

⁽¹⁹⁾ 2003 asp 13. “Hospital” and “Managers” (in relation to a hospital) are defined in section 329 of that Act. Section 329 was relevantly amended by S.S.I. 2011/211.

⁽²⁰⁾ 1978 c.29.

⁽²¹⁾ S.S.I. 2011/550.

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018, SCHEDULE 4. (See end of Document for details)

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|---|--|-----------------------------|
| 8. To support a claim by or on behalf of a severely mentally impaired person for exemption from liability to pay council tax or eligibility for a discount in respect of the amount of council tax payable. | Paragraph 2(1) (b) of schedule 1 of the Local Government Finance Act 1992 ⁽²²⁾ | |
| 10. To secure certification of cause of death. | Section 24 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (certificate of cause of death) ⁽²³⁾ | |

Textual Amendments

- F1** Words in [sch. 4](#) substituted (coming into force in accordance with reg. 1 of the amending S.I.) by [The Children and Social Work Act 2017 \(Consequential Amendments\) \(Social Workers\) Regulations 2019 \(S.I. 2019/1094\)](#), [Sch. 2 para. 39\(b\)](#)

⁽²²⁾ [1992 c.14](#).

⁽²³⁾ Section 24 was amended by section 42(4) of the Local Electoral Administrations and Registration Services (Scotland) Act 2006 and section 26 and paragraph 4 of schedule 2 of the Certification of Death (Scotland) Act 2011.

Changes to legislation:

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