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## STATUTORY INSTRUMENTS

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# 1976 No. 615

## The Social Security (Medical Evidence) Regulations 1976

### 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 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

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(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<sup>(1)</sup>, as amended <sup>(2)</sup> (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;

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<sup>(3)</sup> 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

<sup>(1)</sup> (1975 I, p. 2014).

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

<sup>(3)</sup> (1975 I, p. 1744).

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