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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;

[<sup>F1</sup>“the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992;]

“doctor” means a registered medical practitioner;

[<sup>F2</sup>“healthcare professional” means a person, not being the patient, who is—

- (a) a registered medical practitioner;
- (b) a registered nurse;
- (c) a registered occupational therapist or registered physiotherapist;
- (d) a registered pharmacist within the meaning of article 3 of the Pharmacy Order 2010;]

[<sup>F3</sup>“the Employment and Support Allowance Regulations” means the Employment and Support Allowance Regulations 2008;]

[<sup>F4</sup>“limited capability for work” has the meaning—

- (a) for the purposes of employment and support allowance, given in section 1(4) of the Welfare Reform Act 2007; and
- (b) for the purposes of universal credit, given in section 37 of the Welfare Reform Act 2012;]

[<sup>F5</sup>“limited capability for work assessment” means the assessment of whether a person has limited capability for work—

- (a) for the purposes of old style ESA, under Part 5 of the Employment and Support Allowance Regulations;
- (b) for the purposes of new style ESA, under Part 4 of the Employment and Support Allowance Regulations 2013;
- (c) for the purposes of universal credit, under Part 5 of the Universal Credit Regulations 2013;]

[<sup>F6</sup>“personal capability assessment” means the assessment provided for in section 171C of the Contributions and Benefits Act;]

<sup>F7</sup> ...

[<sup>F8</sup>“registered midwife” means a midwife who is registered as a midwife with the Nursing and Midwifery Council under the Nursing and Midwifery Order 2001;]

“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

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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.

[<sup>F9</sup>(5) For the purposes of the definition of “limited capability for work assessment” in paragraph (2)—

- (a) “old style ESA” means an allowance under Part 1 of the Welfare Reform Act 2007 as that Part has effect apart from the amendments made by Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance; and
- (b) “new style ESA” means an allowance under Part 1 of the Welfare Reform Act 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 that remove references to an income-related allowance.]

<b>F1</b>	Words in reg. 1(2) added (13.4.1995) by <a href="#">The Social Security (Medical Evidence) Amendment Regulations 1994 (S.I. 1994/2975)</a> , regs. 1(1), <b>2(2)</b>
<b>F2</b>	Words in reg. 1(2) inserted (1.7.2022) by <a href="#">The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630)</a> , regs. 1(2), <b>2(2)</b>
<b>F3</b>	Words in reg. 1 inserted (27.10.2008) by <a href="#">The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554)</a> , regs. 1(2)(b), <b>68(2)</b>
<b>F4</b>	Words in reg. 1(2) substituted (29.4.2013) by <a href="#">The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630)</a> , regs. 1(2), <b>24(a)(i)</b>
<b>F5</b>	Words in reg. 1(2) substituted (29.4.2013) by <a href="#">The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630)</a> , regs. 1(2), <b>24(a)(ii)</b>
<b>F6</b>	Words in reg. 1(2) substituted (3.4.2000) by <a href="#">The Social Security (Incapacity for Work) Miscellaneous Amendments Regulations 1999 (S.I. 1999/3109)</a> , regs. 1(1), <b>5(a)</b>
<b>F7</b>	Words in reg. 1(2) omitted (1.4.2013) by virtue of <a href="#">The National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013 (S.I. 2013/235)</a> , art. 1(2), <b>Sch. 2 para. 6(2)</b>
<b>F8</b>	Words in reg. 1(2) substituted (17.4.2002) by <a href="#">The Nursing and Midwifery Order 2001 (Consequential Amendments) Order 2002 (S.I. 2002/881)</a> , art. 1, <b>Sch. para. 1</b>
<b>F9</b>	Reg. 1(5) inserted (29.4.2013) by <a href="#">The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630)</a> , regs. 1(2), <b>24(b)</b>

## Evidence of incapacity for work<sup>F10</sup>, limited capability for work] and confinement

2.—<sup>F11</sup>(1) Subject to regulation 5 and paragraph (1A) below, where a person claims to be entitled to any benefit, allowance or advantage (other than industrial injuries benefit or statutory sick pay) and entitlement to that benefit, allowance or advantage depends on that person being incapable of work or having limited capability for work, then in respect of each day until that person has been assessed for the purposes of the personal capability assessment or the limited capability for work assessment they shall provide evidence of such incapacity or limited capability by means of a statement given

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by a <sup>F12</sup>healthcare professional] in accordance with the rules set out in Part 1 of Schedule 1 to these Regulations.]

<sup>F11</sup>(1A) Where it would be unreasonable to require a person to provide a statement in accordance with paragraph (1) above that person shall provide such other evidence as may be sufficient to show that they are incapable of work or have limited capability for work so that they should refrain (or should have refrained) from work by reason of some specific disease or bodily or mental disability.]

(2) Every person to whom paragraph (1) applies <sup>F13</sup>who has not been assessed for the purposes of the <sup>F14</sup>personal capability assessment]]<sup>F15</sup>or the limited capability for work assessment] 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 <sup>F16</sup>by means of a maternity certificate] given by a doctor or by a <sup>F16</sup>registered midwife]<sup>F17</sup>not earlier than the beginning of the 20th week before the week in which she is expected to be confined,] 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.

- F10** Words in reg. 2 heading inserted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **68(3)(a)**
- F11** Reg. 2(1)-(1A) substituted for reg. 2(1) (6.4.2010) by [The Social Security \(Medical Evidence\) and Statutory Sick Pay \(Medical Evidence\) \(Amendment\) Regulations 2010 \(S.I. 2010/137\)](#), regs. 1(2), **2(2)**
- F12** Words in reg. 2(1) substituted (1.7.2022) by [The Social Security \(Medical Evidence\) and Statutory Sick Pay \(Medical Evidence\) \(Amendment\) \(No. 2\) Regulations 2022 \(S.I. 2022/630\)](#), regs. 1(2), **2(3)**
- F13** Words in reg. 2(2) inserted (13.4.1995) by [The Social Security \(Medical Evidence\) Amendment Regulations 1994 \(S.I. 1994/2975\)](#), regs. 1(1), **2(3)(b)**
- F14** Words in reg. 2(2) substituted (3.4.2000) by [The Social Security \(Incapacity for Work\) Miscellaneous Amendments Regulations 1999 \(S.I. 1999/3109\)](#), regs. 1(1), **5(b)**
- F15** Words in reg. 2(2) inserted (27.10.2008) by [The Employment and Support Allowance \(Consequential Provisions\) \(No. 2\) Regulations 2008 \(S.I. 2008/1554\)](#), regs. 1(2)(b), **68(3)(c)**
- F16** Words in reg. 2(3) substituted (6.4.1987) by [The Social Security \(Medical Evidence\) Amendment Regulations 1987 \(S.I. 1987/409\)](#), regs. 1(1), **3**
- F17** Words in reg. 2(3) inserted (28.9.2001) by [The Social Security \(Medical Evidence\) and Statutory Maternity Pay \(Medical Evidence\) \(Amendment\) Regulations 2001 \(S.I. 2001/2931\)](#), regs. 1, **2(2)**

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

<sup>F18</sup>3. ....

- F18** Reg. 3 revoked (9.7.1979) by [The Social Security \(Claims and Payments\) Regulations 1979 \(S.I. 1979/628\)](#), reg. 1, **Sch. 5**

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## Transitional provisions and revocation

<sup>F19</sup>4. ....

**F19** Reg. 4 revoked (14.6.1982) by The Social Security (Medical Evidence, Claims and Payments) Amendment Regulations 1982 (S.I. 1982/699), regs. 1(1), **2(3)**

### [<sup>F20</sup>Self-certificate for first 7 days of a spell of incapacity for work [<sup>F21</sup>or limited capability for work]

5.—[<sup>F22</sup>(1) [<sup>F23</sup>The evidence of incapacity [<sup>F24</sup>or limited capability for work] required for the purposes of determining entitlement to a benefit, allowance or advantage referred to in regulation 2(1)]—

- (a) for a spell of incapacity which lasts less than 8 days, <sup>F25</sup>...
- (b) in respect of any of the first 7 days of a longer spell of incapacity;
- [<sup>F26</sup>(c) for a period of limited capability for work which lasts less than 8 days; or]
- [<sup>F26</sup>(d) in respect of any of the first 7 days of a longer period of limited capability for work.]

may consist of a self certificate instead of a certificate in the form of a statement in writing given by a [<sup>F27</sup>healthcare professional] in accordance with regulation 2(1).]

(2) For the purpose of this regulation—

[<sup>F28</sup>“self-certificate” means either—

- (i) a declaration made by the claimant in writing, on a form approved for the purpose by the Secretary of State; or
- (ii) where the claimant has made a claim for employment and support allowance in accordance with regulation 4G of the Social Security (Claims and Payments) Regulations 1987, an oral declaration by the claimant,

that the claimant has been unfit for work from a date or for a period specified in the declaration and may include a statement that the claimant expects to continue to be unfit for work on days subsequent to the date on which it is made;.]

[<sup>F29</sup>“spell of incapacity” has the meaning given to it by section 171B(3) of the Contributions and Benefits Act.]]

**F20** Reg. 5 inserted (14.6.1982) by The Social Security (Medical Evidence, Claims and Payments) Amendment Regulations 1982 (S.I. 1982/699), regs. 1(1), **2(2)**

**F21** Words in reg. 5 heading inserted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **68(4)(a)**

**F22** Reg. 5(1) substituted (9.10.1989) by The Social Security (Medical Evidence, Claims and Payments) Amendment Regulations 1989 (S.I. 1989/1686), regs. 1(1), **2**

**F23** Words in reg. 5(1) substituted (13.4.1995) by The Social Security (Medical Evidence) Amendment Regulations 1994 (S.I. 1994/2975), regs. 1(1), **2(4)(a)**

**F24** Words in reg. 5(1) inserted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **68(4)(b)(i)**

**F25** Word in reg. 5(1)(a) omitted (27.10.2008) by virtue of The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **68(4)(b)(ii)**

**F26** Reg. 5(1)(c)(d) inserted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **68(4)(b)(iii)**

**F27** Words in reg. 5(1) substituted (1.7.2022) by The Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) (No. 2) Regulations 2022 (S.I. 2022/630), regs. 1(2), **2(4)**

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- F28** Words in reg. 5(2) substituted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **68(4)(c)**
- F29** Words in reg. 5(2) substituted (13.4.1995) by The Social Security (Medical Evidence) Amendment Regulations 1994 (S.I. 1994/2975), regs. 1(1), **2(4)(b)**

*David Ennals*  
Secretary of State for Social Services

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