
STATUTORY INSTRUMENTS

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;

[^{F1}“the Contributions and Benefits Act” means the Social Security Contributions and Benefits Act 1992;]

“doctor” means a registered medical practitioner;

[^{F2}“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;]

[^{F3}“the Employment and Support Allowance Regulations” means the Employment and Support Allowance Regulations 2008;]

[^{F4}“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;]

[^{F5}“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;]

[^{F6}“personal capability assessment” means the assessment provided for in section 171C of the Contributions and Benefits Act;]

^{F7} ...

[^{F8}“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.

[^{F9}(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.]

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| F1 | Words in reg. 1(2) added (13.4.1995) by The Social Security (Medical Evidence) Amendment Regulations 1994 (S.I. 1994/2975) , regs. 1(1), 2(2) |
| F2 | Words in reg. 1(2) inserted (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(2) |
| F3 | Words in reg. 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(2) |
| F4 | Words in reg. 1(2) substituted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630) , regs. 1(2), 24(a)(i) |
| F5 | Words in reg. 1(2) substituted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630) , regs. 1(2), 24(a)(ii) |
| F6 | Words in reg. 1(2) substituted (3.4.2000) by The Social Security (Incapacity for Work) Miscellaneous Amendments Regulations 1999 (S.I. 1999/3109) , regs. 1(1), 5(a) |
| F7 | Words in reg. 1(2) omitted (1.4.2013) by virtue of The National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013 (S.I. 2013/235) , art. 1(2), Sch. 2 para. 6(2) |
| F8 | Words in reg. 1(2) substituted (17.4.2002) by The Nursing and Midwifery Order 2001 (Consequential Amendments) Order 2002 (S.I. 2002/881) , art. 1, Sch. para. 1 |
| F9 | Reg. 1(5) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630) , regs. 1(2), 24(b) |

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