

STATUTORY INSTRUMENTS

1976 No. 615

The Social Security (Medical Evidence) Regulations 1976

Evidence of incapacity for work^[F1], limited capability for work] and confinement

2.—^[F2](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 by a ^[F3]healthcare professional] in accordance with the rules set out in Part 1 of Schedule 1 to these Regulations.]

^[F2](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 ^[F4]who has not been assessed for the purposes of the ^[F5]personal capability assessment]]^[F6]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 ^[F7]by means of a maternity certificate] given by a doctor or by a ^[F7]registered midwife]]^[F8]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.

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| F1 | 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) |
| F2 | 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) |
| F3 | 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) |
| F4 | 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) |
| F5 | 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) |

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- F6** 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)**
- F7** 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**
- F8** 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)**

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