**1994 No. 468**

# SOCIAL SECURITY

## The Social Security (Medical Evidence) (Amendment) Regulations (Northern Ireland) 1994

*Made . . . . . 30th November 1994*

*Coming into operation . . 13th April 1995*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 57(1) of, and paragraph 4 of Schedule 3 to, the Social Security Administration (Northern Ireland) Act 1992(**a**) and Article 14(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994(**b**) and of all other powers enabling it in that behalf, by this statutory rule which contains only regulations made consequential upon the Social Security (Incapacity for Work) (Northern Ireland) Order 1994, hereby makes the following regulations:

*Citation, commencement and interpretation*

**1.**—(1) These regulations may be cited as the Social Security (Medical Evidence) (Amendment) Regulations (Northern Ireland) 1994 and shall come into operation on 13th April 1995.

(2) The Interpretation Act 1978(**c**) shall apply to these regulations as it applies to an Act of the United Kingdom Parliament.

*Amendment of the Social Security (Medical Evidence) Regulations*

**2.**—(1) The Social Security (Medical Evidence) Regulations (Northern Ireland) 1976(**d**) shall be amended in accordance with paragraphs (2) to (5) of this regulation.

(2) In regulation 1(2) (interpretation) after the definition of "the Act" there shall be inserted the following definitions—

" "the Contributions and Benefits Act" means the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**e**);

"the all work test" means the test provided for in section 167C of the Contributions and Benefits Act(**f**);".

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(**a**) 1992 c. 8
(**b**) S.I. 1994/1898 (N.I. 12)
(**c**) 1978 c. 30
(**d**) S.R. 1976 No. 175; relevant amending regulations are S.R. 1982 No. 153 and S.R. 1992 No. 83
(**e**) 1992 c. 7
(**f**) Section 167C was inserted by Article 7 of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994

(3) In regulation 2 (evidence of incapacity for work and confinement)—

(*a*) in paragraph (1)—

(i) for the words from "where a person claims" to "those days either" there shall be substituted ", where a person claims he is entitled to any benefit, allowance or advantage (other than industrial injuries benefit or statutory sick pay), and his entitlement to that benefit, allowance or advantage depends on his being incapable of work, then in respect of each day until he has been assessed for the purposes of the all work test, he shall provide evidence of such incapacity";

(ii) in sub-paragraph (*b*) at the end "or" shall be omitted, and

(iii) for sub-paragraph (*c*) there shall be substituted the following sub-paragraphs—

"(*c*) where the all work test applies and the Department so requests, by means of a statement in writing given by a doctor in accordance with the rules set out in Part I of Schedule 1B to these regulations on the form set out in Part II of that Schedule; or

(*d*) where it would be unreasonable to require a person to provide a statement from a doctor, by means of such other evidence as may be sufficient to show that he should refrain from work by reason of some specific disease or bodily or mental disablement."; and

(*b*) in paragraph (2) after "applies" there shall be inserted "who has not been assessed for the purposes of the all work test".

(4) In regulation 5 (self-certificate for first 7 days of a spell of incapacity for work)—

(*a*) for paragraph (1) there shall be substituted the following paragraph—

"(1) The evidence of incapacity 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 last less than 8 days; or

(*b*) in respect of any of the first 7 days of a longer spell of incapacity,

may consist of a self-certificate instead of a certificate in the form of a statement in writing given by a doctor in accordance with regulation 2(1)."; and

(*b*) in paragraph (2) for the definition of "spell of incapacity" there shall be substituted the following definition—

" "spell of incapacity" has the meaning given to it by section 167B(3) of the Contributions and Benefits Act(**a**).".

(**a**) Section 167B was inserted by Article 7 of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994

(5) After Schedule 1A(**a**) there shall be inserted as Schedule 1B the Schedule set out in the Schedule to these regulations.

*Revocation*

**3.** The provisions relating to the Social Security (Medical Evidence) Regulations (Northern Ireland) 1976 contained in Schedule 2 to the Social Security (Severe Disablement Allowance) Regulations (Northern Ireland) 1984(**b**) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 30th November 1994.

(L.S.) *L. Frew*

Assistant Secretary

(a) Schedule 1A was inserted by S.R. 1992 No. 83
(b) S.R. 1984 No. 317