1985 No. 321

STATUTORY SICK PAY

The Statutory Sick Pay (Medical Evidence) Regulations (Northern Ireland) 1985

Made . . . . . 15th November 1985

Coming into operation . . . 6th April 1986

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 17(5) and 19(2A) of, and Schedule 3 to, the Social Security (Northern Ireland) Order 1982(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Statutory Sick Pay (Medical Evidence) Regulations (Northern Ireland) 1985 and shall come into operation on 6th April 1986.

(2) In these regulations—

"the Order" means the Social Security (Northern Ireland) Order 1982;

"signature" means, in relation to a statement given in accordance with these regulations, the name by which the person giving that statement 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 a statement is a reference to a statement in writing given by a registered medical practitioner in accordance with rules set out in Part I of the Schedule on the form set out in Part II of that Schedule.

Medical information

2.—(1) Medical information relating to incapacity for work required under Article 19(2) of the Order shall be provided in the form of a statement.

(2) An employee shall not be required under Article 19(2) of the Order to provide medical information in respect of the first 7 days in any spell of incapacity for work; and for this purpose "spell of incapacity" means a continuous period of incapacity for work which is immediately preceded by a day on which the claimant either worked or was not incapable of work.

Sealed with the Official Seal of the Department of Health and Social Services on 15th November 1985.

(L.S.) *A. N. Burns*

Assistant Secretary

(a) S.I. 1982/1084 (N.I. 16); Article 19(2A) was inserted by Article 20 of the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16))

SCHEDULE Regulation 1(3)

PART I

RULES

1. In these rules—

"patient" means the person in respect of whom a statement is given in accordance with these rules;

"doctor" means a registered medical practitioner not being the patient;

"2 weeks" means any period of 14 consecutive days.

2. The doctor's statement shall be in the form set out in Part II.

3. Where the patient is on the list of a doctor providing general medical services under the Health and Personal Social Services (Northern Ireland) Order 1972(a) and is being attended by such a doctor, the doctor's statement shall be on a form provided by the Department for the purpose and shall be signed by that doctor.

4. In any other case, the doctor's statement shall be on a form provided by the Department for the purpose and shall be signed by the doctor attending the patient.

5. Every doctor's statement shall be completed in ink or other indelible substance and shall contain the following particulars:

(*a*) the patient's name;

(*b*) the date of the examination on which the doctor's statement is based;

(*c*) the diagnosis of the patient's disorder in respect of which the doctor is advising the patient to refrain from work or, as the case may be, which has caused the patient's absence from work;

(*d*) the date on which the doctor's statement is given;

(*e*) the address of the doctor,

and shall bear, opposite the words "Doctor's Signature", the signature of the doctor making the statement written after there have been entered the patient's name and the doctor's diagnosis.

6. Subject to rules 7 and 8, the diagnosis of the disorder in respect of which the doctor is advising the patient to refrain from work or, as the case may be, which has caused the patient's absence from work shall be specified as precisely as the doctor's knowledge of the patient's condition at the time of the examination permits.

7. The diagnosis may be specified less precisely where, in the doctor's opinion, a disclosure of the precise disorder would be prejudicial to the patient's well-being, or to the patient's position with his employer.

8. In the case of an initial examination by a doctor in respect of a disorder stated by the patient to have caused incapacity for work, where—

(*a*) there are no clinical signs of that disorder, and

(*b*) in the doctor's opinion, the patient need not refrain from work,

instead of specifying a diagnosis "unspecified" may be entered.

9. A doctor's statement must be given on a date not later than one day after the date of the examination on which it is based, and no further doctor's statement based on the same examination shall be furnished other than a doctor's statement by way of replacement of an original which has been lost or mislaid, in which case it shall be clearly marked "duplicate".

10. Where, in the doctor's opinion, the patient will become fit to resume work on a day not later than 2 weeks after the date of the examination on which the doctor's statement is based, the doctor's statement shall specify that day.

(a) S.I. 1972/1265 (N.I. 14)