1976 No. 175

SOCIAL SECURITY

The Social Security (Medical Evidence) Regulations (Northern Ireland) 1976

Made . . . . . 8th *June* 1976

Coming into operation . . . 4th *October* 1976

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 79(3) and 115(1) of, and Schedule 13 to, the Social Security (Northern Ireland) Act 1975(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 Social Security (Medical Evidence) Regulations (Northern Ireland) 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 (Northern Ireland) Act 1975;

"certified midwife" means a person who is for the time being certified as a midwife within the meaning of the Nurses and Midwives Act (Northern Ireland) 1970(b);

"doctor" means a registered medical practitioner;

"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 indicated) written by that person in his own handwriting; and "signed" shall be construed accordingly.

(3) Any reference in these regulations to any provision 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(c) shall apply in relation to this statutory rule and in relation to the revocation effected by it as if this statutory rule, 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.

(a) 1975 c. 15
(b) 1970 c. 11 (N.I.)
(c) 1889 c. 63

Evidence of incapacity for work and confinement

2.—(1) Where a person claims any benefit and his entitlement to that benefit depends on his being incapable of work in respect of the day or days to which his claim relates, he shall furnish evidence of such incapacity in respect of that day or those days either by means of a certificate in the form of a statement in writing given by a doctor in accordance with the rules set out in Part I of Schedule 1 to these regulations on the form set out in Part II of that Schedule or by such other means as may be sufficient in the circumstances of any particular case.

(2) Every person to whom paragraph (1) applies 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 by means of a certificate given by a doctor or by a certified midwife 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.

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

3. In regulation 11 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1975(**d**), as amended(**e**) (forward allowances and disallowances of sickness, invalidity and injury benefit and non-contributory invalidity pension), for paragraph (5) there shall be substituted the following paragraph:

"(5) For the purposes of paragraphs (1) to (4A) a medical certificate means—

(*a*) a doctor's statement issued in the form prescribed in Part II of Schedule 1 to the Social Security (Medical Evidence) Regulations (Northern Ireland) 1976, or having effect as so issued, which advises the claimant to refrain from work for the period specified in it; or

(*b*) a certificate issued by a person accepted by the Department as an appropriate person in which that person certifies on a form approved by the Department that the claimant is in hospital and is expected to remain there for the period specified in it; or

(*c*) a doctor's statement in the form of a special statement issued by a doctor on a form approved by the Department in which that doctor advises the claimant to refrain from work for a specified period of not more than 1 month, on the basis of a written report which—

(i) was received by that doctor from another doctor (other than a partner, assistant or other deputy of the doctor issuing the statement), and

(ii) was issued on a date not more than 1 month earlier than the date of the statement;

(**d**) S.R. 1975 No. 104 (**e**) S.R. 1975 No. 202

and in this sub-paragraph "doctor" means a registered medical practitioner not being the claimant.".

Transitional provisions and revocation

4.—(1) Any certificate given or furnished or having effect as given or furnished under the Social Security (Medical Certification) Regulations (Northern Ireland) 1975(f) shall be deemed to have been given or furnished under these regulations, and anything whatsoever begun or having effect as if begun under those regulations may be continued under these regulations as if begun under these regulations.

(2) The Social Security (Medical Certification) Regulations (Northern Ireland) 1975 are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 8th June 1976.

(L.S.) *C. G. Oakes*
Assistant Secretary

(f) S.R. 1975 No. 87

SCHEDULE 1 Regulation 2(1)

PART I

RULES

1. In these rules, unless the context otherwise requires—

"claimant" 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 claimant;

"doctor's statement" means a statement given in accordance with these rules;

"week" means any period of 7 consecutive days.

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

3. Where the claimant is on the list of a doctor providing general medical services (excluding maternity medical services) under the Health and Personal Social Services (Northern Ireland) Order 1972(g) 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 either on a form provided by the Department for the purpose or in a form substantially to the like effect, and shall be signed by the doctor attending the claimant.

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

(*a*) the claimant's name;

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

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

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

(*e*) the address of the doctor,

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

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

7. Where, in the doctor's opinion, a disclosure to the claimant of the precise disorder would be prejudicial to his well-being, the diagnosis may be specified less precisely.

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

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

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

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

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

9. A doctor's statement must be given on a date not later than one day after the date of 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 claimant 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.

11. Subject to rules 12 and 13 below, the doctor's statement shall specify the minimum period during which, in the doctor's opinion, the claimant should, by reason of his disorder, refrain from work.

12. The period specified shall begin on the date of the examination on which the doctor's statement is based and shall not exceed 26 weeks unless the claimant has, on the advice of a doctor, refrained from work for at least 26 weeks immediately preceding that date.

13. Where—

(*a*) the claimant has, on the advice of a doctor, refrained from work for at least 26 weeks immediately preceding the date of the examination on which the doctor's statement is based, and

(*b*) in the doctor's opinion, it will be necessary for the claimant to refrain from work for the foreseeable future,

instead of specifying a period, the doctor may, having regard to the circumstances of the particular case, enter the words "further notice".

14. The Notes set out in Part III of this Schedule shall accompany the form of doctor's statement provided by the Department.

15. A doctor may, having regard to the circumstances of the particular case, indicate on the doctor's statement that the claimant should be considered for vocational rehabilitation.