1975 No. 87

SOCIAL SECURITY

The Social Security (Medical Certification) Regulations (Northern Ireland) 1975

Made . . . . . 3rd *April* 1975

Coming into operation . . . . 6th *April* 1975

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 115(1) of, and Schedule 13 to, the Social Security (Northern Ireland) Act 1975(**a**) and section 2 of, and paragraph 3 of Schedule 3 to the Social Security (Consequential Provisions) Act 1975(**b**), 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 Certification) Regulations (Northern Ireland) 1975, and shall come into operation on 6th April 1975.

(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(**c**);

"incapacity" means incapacity by reason of which a person is rendered incapable of work;

"signature" means, in relation to any certificate, the name by which the person giving the certificate 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;

and other expressions have the same meanings as in the Act.

(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(**d**) shall apply in relation to this statutory rule and in relation to any revocation affected by it as if this statutory rule, the regulations revoked by it and any regulations revoked by the regulations so revoked were Acts of Parliament, and as if each revocation were a repeal.

(**a**) 1975 c. 15
(**b**) 1975 c. 18
(**c**) 1970 c. 11 (N.I.)
(**d**) 1889 c. 63

Certificates of incapacity 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 incapacity in respect of that day or those days by means of a certificate given by a registered medical practitioner in accordance with the rules for medical certification set out in Part I of Schedule 1 to these regulations on the appropriate form as set out in Part II of that Schedule or by such other means as may be sufficient evidence in the circumstances of any particular case.

(2) Every woman by whom or on whose behalf a claim for maternity benefit is made 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 registered medical practitioner or by a certified midwife in accordance with the rules for certification set out in Part I of Schedule 2 to these regulations on the appropriate form as set out in Part II of that Schedule or by such other means as may be sufficient evidence in the circumstances of any particular case; and, for the purposes of this paragraph, the expression "certificate" shall not include a certificate which is given only by the person by whom or on whose behalf the claim is made.

Transitional provisions

3.—(1) Any certificate given or furnished under the National Insurance (Industrial Injuries) (Medical Certification) Regulations (Northern Ireland) 1965(**e**), as amended(**f**), and the National Insurance (Medical Certification) Regulations (Northern Ireland) 1965(**g**), as amended(**h**), shall be deemed to have been given or furnished under these regulations, and anything whatsoever begun under those regulations may be continued under these regulations as if begun under these regulations.

(2) Any certificate given after 6th April 1975 on a form supplied for the purposes of the said regulations of 1965 and amended for the purposes of these regulations by the registered medical practitioner or certified midwife issuing it shall be deemed to have been given under these regulations.

Revocations

4. The regulations specified in column (1) of Schedule 3 to these regulations are hereby revoked to the extent mentioned in column (3) of that Schedule.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 3rd April 1975.

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

(e) S.R. & O. (N.I.) 1965 No. 80 (p. 310)
(f) The relevant amending regulations are S.R. & O. (N.I.) 1966 No. 14 (p. 46) and 1973 No. 388 (II, p. 2167)
(g) S.R. & O. (N.I.) 1965 No. 79 (p. 301)
(h) The relevant amending regulations are S.R. & O. (N.I.) 1966 No. 13 (p. 44); 1971 No. 287 (p. 1373) and 1973 No. 388 (II, p. 2167)

SCHEDULE 1 Regulation 2(1)

PART I

Rules for medical certification

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

"the Agency" means the Northern Ireland Central Services Agency for the Health and Social Services established under Article 26 of the Health and Personal Social Services (Northern Ireland) Order 1972(i);

"certificate" means a certificate of incapacity;

"claimant" means the person in respect of whom a certificate is given;

"practitioner" means a registered medical practitioner not being the claimant.

2. Every certificate shall be in writing 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 certificate is based;

(*c*) a concise statement of the disease, injury or disablement by which the claimant is, in the practitioner's opinion, at the time rendered incapable of work;

(*d*) the date on which the certificate is given;

(*e*) the address of the practitioner;

and shall bear, opposite the words "Doctor's signature", the signature of the certifying practitioner written after there have been entered on the certificate the claimant's name and the statement of the disease, injury or disablement.

3. The statement of the disease, injury or disablement in the certificate shall specify the cause of incapacity as precisely as the practitioner's knowledge of the claimant's condition at the time of the examination permits, except that, where in the practitioner's opinion a disclosure to the claimant of the precise cause would be prejudicial to his well-being, the certificate may contain a less precise statement.

4. Every certificate must have been given on a date not more than one day later than the date of the examination upon which it is based, and no further certificate based on the same examination shall be furnished other than a certificate to replace an original certificate which has been lost or mislaid, but in that case the form shall be clearly marked "duplicate".

5. Where the claimant has been accepted on the list of a practitioner providing general medical services (excluding maternity medical services) under the Health and Personal Social Services (Northern Ireland) Order 1972, and is being attended by such a practitioner, or is receiving treatment on the advice of such a practitioner at any hospital or similar institution as an out-patient, the certificate shall be on a form supplied by the Agency for the purpose and shall be signed by that practitioner.

6. Where the claimant is being attended by any other practitioner, the certificate shall be either on a form supplied by the Agency, or on such other form substantially to the like effect, and shall be signed by such other practitioner.

7. The certificate shall be in the form set out in Part II of this Schedule.

8. In any case in which, in the opinion of the practitioner, the claimant will become fit to resume work on a day not later than the end of the 7th day after the date of the examination on which the certificate is based, the certificate shall specify the first-mentioned day.

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