they are employed as masters or members of crews and are ordinarily resident in one of a number of specified countries (regulation 2); (*b*) there are special provisions as to the payment of contributions in respect of pilots and share fishermen (regulations 4 and 5) and masters and members of the crews of ships other than home trade ships (regulation 6); (*c*) benefit is payable (subject to the provisions of the Act) in respect of accidents happening and diseases contracted outside Great Britain (regulation 7); (*d*) in the case of masters, members of crews and pilots, the conditions of entitlement to benefit have been modified in respect of accidents happening while going to or from the ship, while being repatriated, and while acting in emergencies (regulations 8 and 9); (*e*) the provisions as to disqualification for the receipt of and suspension of payment of benefit while absent from Great Britain have been modified in relation to such mariners (regulation 10); (*f*) provision is also made for the extension of the normal period after which, if payment has not been obtained, the right to benefit under the Act is extinguished (regulation 11); and (*g*) there are special provisions as to giving notice of accidents (regulation 12), and taking evidence abroad (regulation 13). The remaining provisions are incidental or consequential.

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11. MEDICAL CERTIFICATION

The National Insurance (Industrial Injuries) (Medical Certification) Regulations, 1948

1948 No. 1262

Made - - - -	15*th June*, 1948
Laid before Parliament	15*th June*, 1948
Coming into Operation	18*th June*, 1948

M.N.I./1.1.108.

9 & 10 Geo. 6. c. 62.

The Minister of National Insurance, in exercise of the powers conferred by subsection (1) of section 51 of the National Insurance (Industrial Injuries) Act, 1946, and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, commencement, and interpretation.

1.—(1) These regulations may be cited as the National Insurance (Industrial Injuries) (Medical Certification) Regulations, 1948, and shall come into operation on the 18th June, 1948.

(2) In these regulations, unless the context otherwise requires—

" the Act " means the National Insurance (Industrial Injuries) Act, 1946;

" the Minister " means the Minister of National Insurance;

" the determining authority " means an insurance officer, a local appeal tribunal or the Commissioner, as the case may require, appointed or constituted for the purposes of the Act;

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

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

(**a**) *See* s. 11 (1), National Insurance (Industrial Injuries) Act, 1946.

(3) References in these regulations to any enactment or regulations shall include a reference to such enactment or regulations as amended by any subsequent enactment, order or regulations.

(4) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

(5) For the purpose of any provision of these regulations providing that any certificate shall be in a form as set out in the Schedule to these regulations, any reference to such form shall include a reference to any such other form substantially to the like effect as the Minister may from time to time approve.

2. Every person claiming injury benefit shall furnish evidence of incapacity in respect of the days for which the claim is made by means of a certificate given by a registered medical practitioner in accordance with the certification rules set out in the Schedule to these regulations in the form appropriate to the circumstances of the case, as set out in that Schedule, or by such other means as the determining authority may accept as sufficient in the circumstances of any particular case or class of cases. Certificates of incapacity.

Dated this 15th day of June, 1948.

James Griffiths,
Minister of National Insurance.

SCHEDULE

A. Rules for medical certification

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

" certificate " means a certificate of incapacity;

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

" practitioner " means a registered medical practitioner;

" Executive Council " means an Executive Council constituted in accordance with the provisions of the National Health Service Act, 1946, or of the National Health Service (Scotland) Act, 1947. 9 & 10 Geo. 6. c. 81. 10 & 11 Geo. 6. c. 27.

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 or injury 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.

3. The statement of the incapacitating disease or injury 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: provided that if 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 under the National Health Service Act, 1946, or the National Health Service (Scotland) Act, 1947, 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 an Executive Council 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 an Executive Council, or on such other form substantially to the like effect as the determining authority may accept, and shall be signed by such other practitioner.

7. Except in any case to which the provisions of rule 11 or 12 apply, a certificate shall be furnished in every contribution weekly(a) during the continuance of the incapacity.

8. Where the claim is the first claim for injury benefit made by the claimant after he has become or again become incapable of work, the certificate shall be in the form of a first certificate.

9. Where the claim is in respect of a day or days of incapacity immediately following the day in respect of which a first certificate has been given, the claimant shall furnish a second certificate, which must have been given at the expiration of not more than seven days from the date of the first certificate. If, in the opinion of the practitioner, the claimant is fit to resume work immediately after, or will become fit to resume work on a day not later than the third day after, the date of the examination to which a second certificate relates, that certificate shall be in the form of a final certificate; and otherwise it shall be in the form of an intermediate certificate.

10. Where the claim is in respect of a day or days of incapacity after the last day in respect of which a second certificate has been given, the certificate shall, except in any case to which rule 11, 12 or 13 applies, be in the form of an intermediate certificate.

11. Where the incapacity has continued for not less than twenty-eight days, and the practitioner is satisfied that the incapacity is likely to continue for a long period, and that owing to the nature of the disease or injury examination and treatment at intervals of more than one week will be sufficient, the claimant may, unless otherwise directed by the Minister, furnish certificates in the form of special intermediate certificates covering specified periods longer than one week. Every certificate in the form of a special intermediate certificate shall specify the intervals of time at which it is proposed that such certificates should be given, but the intervals so specified shall not exceed four weeks or, where the incapacity has continued for more than six months, eight weeks.

12. A claimant who has been certified as continuously incapable of work during the preceding twenty-eight days may, where the practitioner is of opinion that he will remain incapable of work until after a period of absence from his home during convalescence, furnish a certificate in the form of an intermediate convalescent certificate to cover a period of not more than fourteen days.

13. If at the date of the examination to which a certificate other than a first or second certificate relates the claimant in the opinion of the practitioner is, or will become on a day not later than the third day after that date, fit to resume work, that certificate shall be in the form of a final certificate.

14. Every claimant shall obtain a certificate in the form of a final certificate before he resumes work.

(a) *See* s. 88 (1), National Insurance (Industrial Injuries) Act, 1946.

B. Forms of Certificates

First Certificate.

Confidential.

To .....

I certify that I have examined you on the undermentioned date and that in my opinion you were then incapable of work by reason of.....

.....

Doctor's Signature.....

Date of examination.....

Date of signing.....

Any other remarks by Doctor }

Intermediate Certificate.

Confidential.

To .....

I certify that I have examined you on the undermentioned date and that in my opinion you have remained incapable of work up to and including that date by reason of.....

.....

Doctor's Signature.....

Date of examination.....

Date of signing.....

Any other remarks by Doctor }

Final Certificate.

Confidential.

To .....

I certify that I have examined you on the undermentioned date and that in my opinion you have remained incapable of work up to and including that date by reason of.....

.....

In my opinion you will be fit to resume work tomorrow / on.....day.

Doctor's Signature.....

Date of examination.....

Date of signing.....

Any other remarks by Doctor }

SPECIAL INTERMEDIATE CERTIFICATE.

CONFIDENTIAL.

To .....

I certify that I have examined you on the undermentioned date and that in my opinion you have remained incapable of work up to and including that date by reason of.....

.....

I further certify that, judging from your present condition, your incapacity is of such a character that it will be unnecessary to see you for the purpose of treatment more frequently than once in.....weeks, and you will be incapable of work up to the end of.....weeks from the date of such examination.

I propose to issue certificates in this form at the intervals stated above so long as your condition does not require more frequent attendance.

Doctor's Signature.....

Date of examination.....

Date of signing.....

Any other remarks by Doctor }

INTERMEDIATE CONVALESCENT CERTIFICATE.

CONFIDENTIAL.

To .....

I certify that I have examined you on the undermentioned date and that in my opinion you have remained incapable of work up to and including that date by reason of.....

.....

I recommend a period of absence from home of*.....days during which, in my opinion, you will remain incapable of work. You should come and see me immediately on your return home.

Doctor's Signature.....

Date of examination.....

Date of signing.....

Any other remarks by Doctor }

*This period must not exceed fourteen days.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations prescribe the evidence of incapacity for work which is required for the purposes of claims for injury benefit, and contain rules as to the form in which and the times at which medical certificates should be furnished for the purposes of such claims.