1965 No. 899

NATIONAL INSURANCE (INDUSTRIAL INJURIES)

The National Insurance (Industrial Injuries) (Medical Certification) Regulations 1965

Made - - - -	*8th April* 1965
Laid before Parliament	*15th April* 1965
Coming into Operation	*19th April* 1965

The Minister of Pensions and National Insurance, in exercise of powers conferred by section 51(1) of the National Insurance (Industrial Injuries) Act 1946(a), and of all other powers enabling her in that behalf, and after reference to the Industrial Injuries Advisory Council, 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 1965, and shall come into operation on 19th April 1965.

(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 Pensions and 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;

"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 the expression "signed" shall be construed accordingly;

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

(3) Reference 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 rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(b) shall apply in relation to this instrument and in relation to the revocation effected by it as if this instrument and the regulations revoked by it were Acts of Parliament, and as if the revocation were a repeal.

(5) For the purpose of any provision of these regulations providing that any certificate shall be in a form as set out in Schedule 2 to these regulations, any

(a) 9 & 10 Geo. 6. c. 62. (b) 52 & 53 Vict. c. 63.

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.

Certificates of incapacity

2. Every person claiming injury benefit shall furnish evidence of incapacity, in respect of the day or days for which the claim is made, by means of a certificate given by a registered medical practitioner in accordance with the rules for medical certification set out in Schedule 1 to these regulations in the form appropriate to the circumstances of the case, as set out in Schedule 2, or by such other means as the determining authority may accept as sufficient in the circumstances of any particular case or class of cases.

Revocation and Transitional Provisions

3.—(1) The regulations specified in Schedule 3 of these regulations are hereby revoked.

(2) Anything done under or in pursuance of any regulation so revoked shall be deemed to have been done under or in pursuance of the corresponding provision of these regulations.

Margaret Herbison,
Minister of Pensions and
National Insurance.

8th April 1965.

SCHEDULE 1 Regulation 2

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 not being the claimant;

"Executive Council" means an Executive Council constituted in accordance with the provisions of the National Health Service Act 1946(a), or of the National Health Service (Scotland) Act 1947(b).

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;

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 a statement of the disease or injury.

(a) 9 & 10 Geo. 6. c. 81. (b) 10 & 11 Geo. 6. c. 27.

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 apply, a certificate shall be furnished in every contribution week during the continuance of the incapacity; but if—

(*a*) the claimant having obtained a certificate in the form of a first certificate which relates to incapacity which began on the Thursday, Friday, Saturday or Sunday of a contribution week, that certificate is furnished in that contribution week or in the next following contribution week; or

(*b*) the claimant having obtained in a contribution week a certificate in the form of a final certificate which specifies the Monday, Tuesday or Wednesday of the next following contribution week as the date on which, in the opinion of the practitioner, the claimant will become fit to resume work, that certificate is furnished on or before that date;

the provisions of this rule shall, in either case, be deemed to have been complied with in relation to both those contribution weeks.

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. If the claimant, in the opinion of the practitioner, will become fit to resume work on a date not later than the end of the third day after the date of the examination to which a first certificate relates, the certificate shall specify the first mentioned date.

9. Where the claim is in respect of a day or days of incapacity immediately following the day or days 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 7 days from the date of the first certificate. If, in the opinion of the practitioner, the claimant will become fit to resume work not later than the end of 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 covering only the period up to and including the date of the examination on which the certificate is based.

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 the provisions of rule 11 or 12 apply, be in the form of an intermediate certificate covering only the period up to and including the date of the examination on which the certificate is based.

11. Where the incapacity has continued for not less than 28 days, and the practitioner is satisfied that the incapacity is likely to continue for a long period, the claimant may, unless otherwise directed by the Minister, furnish a certificate in the form of an intermediate certificate covering the period up to and including the date of the examination on which the certificate is based, and a specified number of weeks thereafter not exceeding 13.

12. 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, will become, not later than the end of the third day after that date, fit to resume work, that certificate shall be in the form of a final certificate.

13. Before resuming work, every claimant shall obtain a certificate specifying the date on which, in the opinion of the practitioner, the claimant will become fit to resume work.

SCHEDULE 2 Regulation 2

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 incapable of work at the time of that examination by reason of .....

.....

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

.....day next.†

Doctor's Signature .....

Date of examination.....

Date of signing.....

Any other remarks by Doctor .....

**Delete if inappropriate.*

†*The day to be indicated must not be more than THREE days after the date of the examination.*

INTERMEDIATE CERTIFICATE
CONFIDENTIAL

To .....

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

.....

I. (*For use only when weekly certificates are to be given.*)
you have remained incapable of work up to and including that date.
Doctor's Signature.....
Date of examination.....
Date of signing.....

II. (*For use only when the incapacity has continued for* 28 DAYS OR MORE *and is likely to be prolonged.*)
you have remained incapable of work up to and including that date and will be incapable of work for a further period of..... weeks‡ therefrom.
Doctor's Signature.....
Date of examination.....
Date of signing.....

Any other remarks by Doctor .....

‡*The period entered must not exceed* THIRTEEN WEEKS.

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 the time of that examination by reason of .....
.....

In my opinion you will be fit to resume work today/tomorrow/on .....
.....day next.*
Doctor's Signature.....
Date of examination.....
Date of signing.....

Any other remarks by Doctor .....

**The day to be indicated must not be more than THREE days after the date of examination.*

Regulation 3

SCHEDULE 3

Regulations Revoked

Citation	Statutory Instrument
The National Insurance (Industrial Injuries) (Medical Certification) Regulations 1948	S.I. 1948/1262 (Rev. XVI, p. 519: 1948 I, p. 2996).
The National Insurance (Industrial Injuries) (Medical Certification) Amendment Regulations 1950	S.I. 1950/1867 (1950 II, p. 39).
The National Insurance (Industrial Injuries) (Medical Certification) Amendment Regulations 1952	S.I. 1952/993 (1952 II, p. 2238).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate the National Insurance (Industrial Injuries) (Medical Certification) Regulations 1948 with subsequent amending regulations. The only amendment made is to increase from 4 to 13 weeks the maximum period for which an intermediate certificate may be given in advance, where incapacity has continued for not less than 28 days.