STATUTORY INSTRUMENTS

# 1975 No. 531

# SOCIAL SECURITY

## The Social Security (Medical Certification) Regulations 1975

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| *Made - - - -* | *26th March* 1975 |
| *Laid before Parliament* | *3rd April* 1975 |
| *Coming into Operation* | *6th April* 1975 |

The Secretary of State for Social Services, in exercise of powers conferred upon her by section 115(1) of, and Schedule 13 to, the Social Security Act 1975**(a)** and of all other powers enabling her in that behalf, without having referred any proposals on the matter to the National Insurance Advisory Committee or the Industrial Injuries Advisory Council since it appears to her that by reason of urgency it is inexpedient to do so, hereby makes the following regulations:—

*Citation, commencement and interpretation*

**1.**—(1) These regulations may be cited as the Social Security (Medical Certification) Regulations 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 Act 1975;

"certified midwife" means a person who is for the time being certified as a midwife within the meaning of section 32 of the Midwives Act 1951**(b)** or section 35 of the Midwives (Scotland) Act 1951**(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 provisions 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.

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**(a)** 1975 c. 14.
**(b)** 1951 c. 53.
**(c)** 1951 c. 54.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(a) shall apply in relation to this instrument and in relation to any revocation effected by it as if this instrument, 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.

*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 1965(b), as amended (c), and the National Insurance (Medical Certification) Regulations 1967(d), as amended (e), 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 or 1967 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.

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(a) 1889 c. 63. (b) S.I. 1965/899 (1965 I, p. 2376).
(c) The relevant amending instruments are S.I. 1966/27, 1974/464 (1966 I, p. 40; 1974 I, p. 1618).
(d) S.I. 1967/520 (1967 I, p. 1702).
(e) The relevant amending instruments are S.I. 1971/1419, 1974/416 (1971 II, p. 3964; 1974 I, p. 1314).

*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.

*Barbara Castle,*
Secretary of State for Social Services.

26th March 1975.

Regulation 2(1)

## SCHEDULE 1

### PART I

### 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;

"Family Practitioner Committee" means a Family Practitioner Committee established under the National Health Service Reorganisation Act 1973**(a)**;

"Health Board" means a Board constituted under the National Health Service (Scotland) Act 1972**(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, 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.

**(a)** 1973 c. 32. **(b)** 1972 c. 58.

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 under the National Health Service Act 1946(a), or the National Health Service (Scotland) Act 1947(b), 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 a Family Practitioner Committee or a Health Board 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 a Family Practitioner Committee or a Health Board, 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.

9. In any other case, the certificate shall cover a specified number of days or weeks from and including the date of the examination on which the certificate is based, which shall not exceed—

(*a*) 4 weeks, where at that date the incapacity has continued for less than 4 weeks; or

(*b*) 13 weeks, where at that date the incapacity has continued for at least 4 weeks; or

(*c*) 6 months, where at that date the incapacity has continued for at least 1 year; or

(*d*) 1 year, where at that date the incapacity has continued for at least 2 years;

and in this rule a week means any period of 7 consecutive days.

10. Before resuming work, every claimant shall furnish a certificate in accordance with the provisions of rule 8 specifying the date on which, in the opinion of the practitioner, the claimant will become fit to resume work.

11. In computing any period of time in relation to any certificate given under rules 8 or 9, Sunday shall not be disregarded.

(a) 1946 c. 81. (b) 1947 c. 27.

PART II

FORM OF CERTIFICATE

MEDICAL CERTIFICATE

In confidence to—

Mr.
Mrs.
Miss.....

I certify that I examined you $\frac{\text{today}}{\text{yesterday}}$ and that in my opinion—

1. you were incapable of work at the time of the examination by reason of

.....

.....

and

2. (*a*) you will be fit to resume work today/tomorrow/on..... next;* or

(*b*) you will remain incapable of work for a period of .....†

[Complete 2(*a*) or (*b*), whichever is appropriate.]

Doctor's signature.....

Date.....

Any other remarks by doctor.....

.....

* The day indicated must not be more than 7 days (Sunday included) after the date of the examination.

† The period entered must not exceed 4 weeks (a week being any period of 7 consecutive days) unless the incapacity has already continued for—

(*a*) 4 weeks or more, in which case it must not exceed 13 weeks;

(*b*) 1 year or more, in which case it must not exceed 6 months;

(*c*) 2 years or more, in which case it must not exceed 1 year.

Regulation 2(2)

## SCHEDULE 2

### PART I

### RULES FOR CERTIFICATION OF CONFINEMENT

1. Certificates of confinement or expected confinement shall be in writing in ink or other indelible substance signed by a registered medical practitioner or certified midwife attending the woman.

2. The certificate shall be on a form provided by the Secretary of State for the purpose. The wording of the certificate shall be that set out in the appropriate form in Part II of this Schedule.

3. Every certificate of confinement or expected confinement shall contain the following particulars:—

(*a*) the woman's name;

(*b*) in the case of a certificate of confinement, the date and place of the confinement, and the date of the examination on which the certificate is based;

(*c*) in the case of a certificate of expected confinement, the week in which it is to be expected that the woman will be confined and the date of the examination on which the certificate is based;

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

(*e*) where the certificate is signed by a midwife, either the registered number of the midwife or her address and the date of her qualification;

and shall bear, opposite the word "Signature", the signature of the person giving the certificate written after there have been entered on the certificate the woman's name and the date, or (as the case may be) the expected date, of the confinement.

4. After a certificate based on an examination has been given, 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".

### PART II

### FORMS OF CERTIFICATE

### CERTIFICATE OF CONFINEMENT (*a*)

(To be given by a registered medical practitioner or certified midwife)

I certify that I attended ..... in connection with her confinement (*a*) which took place at .....
..... (address) and that she was there delivered of $\frac{\text{a child}}{\text{.....children (}b\text{)}}$ on the..... day of
..... 19.....

(*It is important that, where the medical practitioner or midwife considers that the confinement* (*a*) *took place before the week in which it was expected, the following paragraph should be completed. In any other case, it should be struck through.*)

I certify that, in my opinion, it was to be expected that she would be confined (*a*) in the week containing the ..... day of ..... 19.....

Signature .....

(If Certified Midwife, add Registered Number.....

*or* Address and Date of Qualification.....

.....

.....)

Date of examination.....

Date of signing.....

NOTES:

(*a*) Confinement is so defined by the Social Security Act 1975 that this certificate can only be given—

(i) where labour results in the issue of a living child; or

(ii) where labour results in the issue of a dead child and pregnancy has lasted at least 28 weeks.

*The certificate must not be given in any other circumstances.*

(*b*) Insert number of children, if more than one.

CERTIFICATE OF EXPECTED CONFINEMENT

(To be given by a registered medical practitioner or certified midwife not earlier than the beginning of the fourteenth week before the week containing the day of expected confinement)

To.....

I certify that I examined you on the undermentioned date and that in my opinion you may expect to be confined in the week which will include the ..... day of ..... 19.....

(*Here insert the expected date of confinement.*)

Signature .....

(If Certified Midwife, add Registered Number.....

*or* Address and Date of Qualification.....

.....

.....)

Date of examination.....

Date of signing .....

Any other remarks by Doctor or Midwife.....

.....

Regulation 4

## SCHEDULE 3

### REGULATIONS REVOKED

| Citation<br>1 | Statutory Instrument<br>2 | Extent of revocation<br>3 |
|---|---|---|
| The National Insurance (Industrial Injuries) (Medical Certification) Regulations 1965. | S.I. 1965/899 (1965 I, p. 2376). | The whole of the regulations. |
| The National Insurance (Industrial Injuries) (Medical Certification) Amendment Regulations 1966. | S.I. 1966/27 (1966 I, p. 40). | The whole of the regulations. |
| The National Insurance (Industrial Injuries) (Health Service Reorganisation Consequential Amendments) Regulations 1974. | S.I. 1974/464 (1974 I, p. 1618). | Regulation 4. |

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

The Regulations provide for the manner in which evidence of incapacity for work or of confinement or expected confinement is to be given for the purposes of a claim for any benefit under the Social Security Act 1975 for which such proof is required. The Regulations correspond to similar provisions under the National Insurance Acts 1965 to 1974 and the National Insurance (Industrial Injuries) Acts 1946 to 1974, except that the periods for which a certificate may be given are extended (Rule 9 in Schedule 1).

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