

1982 No. 153

SOCIAL SECURITY

The Social Security (Medical Evidence, Claims and Payments) (Amendment) Regulations (Northern Ireland) 1982

Made 17th May 1982

Coming into operation 14th June 1982

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by sections 79 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 which correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and which accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980(b) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Social Security (Medical Evidence, Claims and Payments) (Amendment) Regulations (Northern Ireland) 1982 and shall come into operation on 14th June 1982.

(2) In these regulations—

“the Claims and Payments Regulations” means the Social Security (Claims and Payments) Regulations (Northern Ireland) 1977(c);

“the Medical Evidence Regulations” means the Social Security (Medical Evidence) Regulations (Northern Ireland) 1976(d).

Amendment of the Medical Evidence Regulations

2.—(1) At the beginning of regulation 2(1) of the Medical Evidence Regulations there shall be inserted “Subject to regulation 5”.

(2) At the end of those regulations there shall be added the following regulation—

“*Self-certificate for first 7 days of a spell of incapacity for work*

5.—(1) Where a person claims sickness, invalidity or injury benefit or non-contributory invalidity pension and that claim relates to—

(a) a spell of incapacity that lasts for less than 8 days, or

(b) any of the first 7 days of a longer spell of incapacity,

the evidence of incapacity required for the purpose of determining his right to benefit may consist of a self-certificate instead of a certificate in the form of a doctor’s statement within the meaning of regulation 2(1).

(a) 1975 c. 15

(b) 1980 c. 30

(c) S.R. 1977 No. 351 to which there are amendments not relevant to the subject matter of these regulations

(d) S.R. 1976 No. 175 to which there are amendments not relevant to the subject matter of these regulations

(2) For the purpose of this regulation—

a “self-certificate” means a declaration made by the claimant in writing, in a form approved for the purpose by the Department, that he has been unfit for work from a date or for a period specified in the declaration and may include a statement that the claimant expects to continue to be unfit for work on days subsequent to the date on which it is made;

a “spell of incapacity” means a continuous period of incapacity for work (not excluding bank or other holidays) which is immediately preceded by a day on which the claimant either worked or was not incapable of work.”.

(3) Regulation 4 of those regulations (transitional provisions and revocation) is hereby revoked.

Regulation to be inserted in the Claims and Payments Regulations

3. In the Claims and Payments Regulations, after regulation 10 there shall be inserted the following regulation—

“Self-certified claims for first 7 days of a spell of incapacity for work

10A.—(1) Where a self-certificate in respect of a claimant is submitted in support of a claim for any of the benefits mentioned in regulation 11(1)(a), that claim shall be treated as if made for days, whether or not after the date of the claim, to which the self-certificate relates, not being days later than the first 7 days of a spell of incapacity that exceeds that length.

(2) Where a claim to which paragraph (1) applies includes one or more days subsequent to the date of claim, an award of benefit made in respect of them shall be subject to the condition that the claimant satisfies the requirements for payment throughout those days and if those requirements are found not to have been satisfied on any of those days the award shall be reviewed.

(3) For the purposes of this regulation—

a “self-certificate” has the meaning ascribed to it by regulation 5 of the Social Security (Medical Evidence) Regulations (Northern Ireland) 1976 (claimant’s declaration of incapacity as evidence for determining his right to benefit);

a “spell of incapacity” means a continuous period of incapacity for work (not excluding bank or other holidays) which is immediately preceded by a day on which the claimant either worked or was not incapable of work.”.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 17th May 1982.

(L.S.)

I. M. S. Jordan (Miss)

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations amend the Social Security (Medical Evidence) Regulations (Northern Ireland) 1976 ("the Medical Evidence Regulations") and the Social Security (Claims and Payments) Regulations (Northern Ireland) 1977 ("the Claims and Payments Regulations").

Regulation 2(2) adds a new regulation 5 to the Medical Evidence Regulations that enables a person's declaration of his unfitness for work, called a "self-certificate", to be accepted instead of a doctor's certificate as evidence of incapacity in determining his right to sickness, invalidity or injury benefit, or to non-contributory invalidity pension, for a spell of incapacity of less than 8 days or for the first 7 days of a longer spell. Regulation 3 inserts a new regulation 10A in the Claims and Payments Regulations providing for a claim for any such benefit supported by a self-certificate to be treated as a claim for the same short period; where that includes days later than the date of claim, an award in respect of them may subsequently be reviewed.

Regulation 2(1) and (3) make a consequential amendment to, and revoke a spent provision of, the Medical Evidence Regulations.