
 STATUTORY INSTRUMENTS

1982 No. 699

SOCIAL SECURITY

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

<i>Made - - - -</i>	17th May 1982
<i>Laid before Parliament</i>	24th May 1982
<i>Coming into Operation</i>	14th June 1982

The Secretary of State for Social Services, in exercise of the powers conferred on him by sections 79 and 115(1) of, and Schedule 13 to, the Social Security Act 1975 (a) and of all other powers enabling him in that behalf, after reference to the Social Security Advisory Committee, hereby makes the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations, which may be cited as the Social Security (Medical Evidence, Claims and Payments) Amendment Regulations 1982, 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 1979 (b);

“the Medical Evidence Regulations” means the Social Security (Medical Evidence) Regulations 1976 (c).

Amendment of the Medical Evidence Regulations

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

(2) At the end of those regulations there is added the following new 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 regulation 2(1).

(a) 1975 c.14.

(b) S.I. 1979/628, to which there are amendments not relevant to these regulations.

(c) S.I. 1976/615, to which there are amendments not relevant to 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 Secretary of State, 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.

New regulation to be inserted in the Claims and Payments Regulations

3. In the Claims and Payments Regulations, immediately after regulation 10 there is inserted the following new 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—

“self-certificate” has the meaning ascribed to it by regulation 5 of the Social Security (Medical Evidence) Regulations 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.”

Norman Fowler,
Secretary of State for Social Services.

17th May 1982.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations amend the Social Security (Medical Evidence) Regulations 1976 and the Social Security (Claims and Payments) Regulations 1979.

Regulation 2(2) adds a new regulation 5 to the former 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 new regulation 10A in the 1979 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 1976 Regulations.

The Report of the Social Security Advisory Committee, dated 6th May 1982, on the draft of these Regulations referred to them, together with a statement showing that though the Committee had made recommendations as to the policy in connection with the draft it had not suggested that any change should be made, is contained in Command Paper published by Her Majesty's Stationery Office (Cmnd. 8560).

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