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STATUTORY RULES OF NORTHERN IRELAND

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**2022 No. 120**

**SOCIAL SECURITY**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The Social Security (Medical Evidence)  
and Statutory Sick Pay (Medical Evidence)  
(Amendment) Regulations (Northern Ireland) 2022**

*Made* - - - - *16th March 2022*  
*Coming into operation* *6th April 2022*

The Department for Communities(1), makes the following Regulations in exercise of the powers conferred by sections 5(1)(j) and (1A), 12(2) and 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(2) and Articles 16(1), 74(1) and paragraph 3 of Schedule 4 to, the Social Security (Northern Ireland) Order 1998(3) and now vested in it(4), with the concurrence of the Commissioners for Her Majesty's Revenue and Customs, in so far as such concurrence is required(5).

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) Regulations (Northern Ireland) 2022 and come into operation on 6th April 2022.

(2) The Interpretation Act (Northern Ireland) 1954(6) shall apply to these Regulations as it applies to an Act of the Assembly.

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- (1) The Department for Social Development was renamed the Department for Communities in accordance with section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))
- (2) 1992 c. 8; section (5)(1A) was inserted by Article 104(3) of the Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006 (N.I. 1)) and sections 12(2) and 165(1) were amended respectively by paragraphs 41 and 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)
- (3) S.I. 1998/1506 (N.I. 10)
- (4) Functions previously discharged by the Department of Health and Social Services were transferred to the Department for Social Development in accordance with Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016
- (5) By virtue of section 12(2) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8) regulations made by the Department pursuant to section 12(2) of that Act require the concurrence of the Commissioners of Inland Revenue. By virtue of section 50(1) of the Commissioners for Revenue and Customs Act 2005 (c. 11) references to the Commissioners of Inland Revenue in enactments are to be taken as references to the Commissioners for Her Majesty's Revenue and Customs.
- (6) 1954 c. 33 (N.I.)

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### Amendment of the Social Security (Medical Evidence) Regulations

2.—(1) The Social Security (Medical Evidence) Regulations (Northern Ireland) 1976(7) are amended in accordance with paragraphs (2) to (5).

- (2) In Schedule 1(8), Part I rule 2—
  - (a) after “Part II” insert “or Part IIA”; and
  - (b) omit “and shall be signed by that doctor”.
- (3) In Schedule 1, Part I, rule 3—
  - (a) after “Part II” insert “or Part IIA”; and
  - (b) omit “and shall be signed by the doctor attending the patient”.
- (4) In Schedule 1, Part I, rule 5—
  - (a) omit “shall be completed in ink or other indelible substance and”;
  - (b) in sub-paragraph (g), for the comma substitute a semi-colon and, following the semi-colon, insert “and”;
  - (c) insert, at the appropriate place, “(h) the name of the doctor (whether in the form of a signature or otherwise).”; and
  - (d) omit “and shall bear, opposite the words “Doctor’s signature”, the signature in ink of the doctor making the statement.”.
- (5) In Schedule 1, after Part II, insert the following—

### “PART IIA

### ALTERNATIVE FORM OF DOCTOR’S STATEMENT

Statement of Fitness for Work  
For social security or Statutory Sick Pay

Patient's name: [ ]

Date of statement: [ ] / [ ] / [ ]

and, because of the following condition(s): [ ]

Indicate you that:  you are not fit for work,  you may be fit for work taking account of the following advice:

If available, and with your employer's agreement, you may benefit from:  
 Substantial return to work  Unlimited duties  
 Other duties  Workplace adaptations

Comments, including functional affairs of your condition: [ ]

This will be the case for [ ] or from [ ] to [ ]

I will still need to see your fitness for work again at the end of this period.  
Please state accordingly

Doctor's name: [ ]

Doctor's profession: [ ]

Date of statement: [ ] / [ ] / [ ]

Doctor's address: [ ] [ ]

(7) S.R. 1976 No. 175; relevant amending Regulation is S.R. 2010 No. 55. There are other amendments not relevant to these Regulations

(8) Schedule 1 was substituted by regulation 2(3) of S.R. 2010 No. 55

### Amendment of the Statutory Sick Pay (Medical Evidence) Regulations

3.—(1) The Statutory Sick Pay (Medical Evidence) Regulations (Northern Ireland) 1985(9) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 1(2), in the definition of “signature”, omit “; and signed shall be construed accordingly”.

(3) In Schedule 1(10), Part I rule 2—

- (a) after “Part II” insert “or Part IIA”; and
- (b) omit “and shall be signed by that doctor”.

(4) In Schedule 1, Part I, rule 3—

- (a) after “Part II” insert “or Part IIA”; and
- (b) omit “and shall be signed by the doctor attending the patient”.

(5) In Schedule 1, Part I, rule 5—

- (a) omit “shall be completed in ink or other indelible substance and”;
- (b) in sub-paragraph (g), for the comma substitute a semi-colon and, following the semi-colon, insert “and”;
- (c) insert, at the appropriate place “(h) the name of the doctor (whether in the form of a signature or otherwise).”; and
- (d) omit “and shall bear, opposite the words “Doctor’s signature”, the signature in ink of the doctor making the statement.”.

(6) In Schedule 1, after Part II insert the following—

### “PART IIA

### ALTERNATIVE FORM OF DOCTOR’S STATEMENT

Statement of Fitness for Work  
For social security or Statutory Sick Pay

Patient's name:

I certify your case on:  /  /

and, because of the following condition(s):

I certify you that:

- you are not fit for work.
- you may fit for work taking account of the following advice:

If available, and with your employer's agreement, you may benefit from:

- advance return to work
- amended duties
- other duties
- workplace adaptations

Comments, including functional advice of your condition(s):

This will be the case for:

or from:  /  /  to:  /  /

I will/will not need to issue your fitness for work again at the end of this period.  
(Please circle in appropriate)

Issue's name:

Issue's profession:

Date of statement:  /  /

Issue's address:

(9) S.R. 1985 No. 321; relevant amending Regulation is S.R. 2010 No. 55; there are other amendments not relevant to these Regulations

(10) Schedule 1 was substituted by regulation 3(4) of S.R. 2010 No. 55

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Sealed with the Official Seal of the Department for Communities on 16th March 2022

(L.S.)

*Anne McCleary*  
A senior officer of the Department for  
Communities

The Commissioners for Her Majesty's Revenue and Customs hereby concur.

*Jim Harra*  
*Penny Ciniewicz*  
Two of the Commissioners of Her Majesty's  
Revenue and Customs

11th March 2022

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Social Security (Medical Evidence) Regulations (Northern Ireland) 1976 (“the 1976 Regulations”) and the Statutory Sick Pay (Medical Evidence) Regulations (Northern Ireland) 1985 (“the 1985 Regulations”).

Regulation 2(2), (3) and (4) amends the 1976 Regulations by removing the requirement for a doctor’s statement to be completed in ink or other indelible substance and for it to be signed by the doctor providing the statement. In place of the requirement for a doctor’s statement to be signed by the doctor, regulation 2(4)(c) requires that the name of the doctor, whether in the form of a signature or otherwise, be contained within the statement. Regulation 2(2) and (3) also amends the 1976 Regulations to permit the statement to be in the form provided for in Part 11 or Part 11A. Regulation 2(5) inserts a new Part 11A which contains an additional version of the doctor’s statement.

Regulation 3(2) removes part of the definition of “signature”, which is rendered superfluous by these Regulations. Regulation 3(3), (4) and (5) amends the 1985 Regulations by removing the requirement for a doctor’s statement to be completed in ink or other indelible substance and for it to be signed by the doctor providing the statement. In place of the requirement for a doctor’s statement to be signed by the doctor, regulation 3(5)(c) requires that the name of the doctor, whether in the form of a signature or otherwise, be contained within the statement. Regulation 3(3) and (4) amends the 1985 Regulations to permit the statement to be on the form provided for in Part 11 or Part 11. Regulation 3(6) inserts a new Part 11A which contains an additional version of the doctor’s statement.

These Regulations make, in relation to Northern Ireland, only provision corresponding to provision in regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

No regulatory impact assessment has been produced for these Regulations as it makes provision which is to have effect for a period of less than 12 months.