

**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(a), 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(b) and Articles 16(1), 74(1) and paragraph 3 of Schedule 4 to, the Social Security (Northern Ireland) Order 1998(c) and now vested in it(d), with the concurrence of the Commissioners for Her Majesty's Revenue and Customs, in so far as such concurrence is required(e).

**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(f) shall apply to these Regulations as it applies to an Act of the Assembly.

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

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

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- (a) 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.))
- (b) 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)
- (c) S.I. 1998/1506 (N.I. 10)
- (d) 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
- (e) 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.
- (f) 1954 c.33 (N.I.)
- (g) S.R. 1976 No. 175; relevant amending Regulation is S.R. 2010 No. 55. There are other amendments not relevant to these Regulations

- (2) In Schedule 1(a), Part 1 rule 2—
  - (a) after “Part 11” insert “or Part 11A”; and
  - (b) omit “and shall be signed by that doctor”.
- (3) In Schedule 1, Part 1, rule 3—
  - (a) after “Part 11” insert “or Part 11A”; and
  - (b) omit “and shall be signed by the doctor attending the patient”.
- (4) In Schedule 1, Part 1, 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 11, insert the following—

**“PART 11A  
ALTERNATIVE FORM OF DOCTOR’S STATEMENT**

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

Patient's name

I assessed your case on:

and, because of the following condition(s):

I advise 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:  
 a phased return to work  amended duties  
 altered hours  workplace adaptations

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

This will be the case for   
 or from  to

I will/will not need to assess your fitness for work again at the end of this period.  
 (Please delete as applicable)  
 Issuer's name   
 Issuer's profession   
 Date of statement    
 Issuer's address

”

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

**3.—(1)** The Statutory Sick Pay (Medical Evidence) Regulations (Northern Ireland) 1985**(b)** 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”.

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- (a) Schedule 1 was substituted by regulation 2(3) of S.R. 2010 No. 55
  - (b) S.R. 1985 No. 321; relevant amending Regulation is S.R. 2010 No. 55; there are other amendments not relevant to these Regulations

- (3) In Schedule 1(a), Part 1 rule 2—
- (a) after “Part 11” insert “or Part 11A”; and
  - (b) omit “and shall be signed by that doctor”.
- (4) In Schedule 1, Part 1, rule 3—
- (a) after “Part 11” insert “or Part 11A”; and
  - (b) omit “and shall be signed by the doctor attending the patient”.
- (5) In Schedule 1, Part 1, 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 11 insert the following—

**“PART 11A**  
**ALTERNATIVE FORM OF DOCTOR’S STATEMENT**

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

Patient's name

I assessed your case on:

and, because of the following condition(s):

I advise 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:

phased return to work       amended duties  
 altered hours                       workplace adaptations

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

This will be the case for   
or from  to

I will/will not need to assess your fitness for work again at the end of this period.  
(Please delete as applicable)

Issuer's name

Issuer's profession

Date of statement

Issuer's address

”

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

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

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

*Jim Harra*

*Penny Ciniewicz*

11th March 2022

Two of the Commissioners of Her Majesty's Revenue and Customs

## 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.

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