

2022 No. 182

SOCIAL SECURITY

TERMS AND CONDITIONS OF EMPLOYMENT

**The Social Security (Medical Evidence) and Statutory Sick Pay
(Medical Evidence) (Amendment) (No. 2) Regulations
(Northern Ireland) 2022**

Made - - - - - *10th June 2022*

Coming into operation - - - - - *1st July 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), (3) and (5) 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) (No. 2) Regulations (Northern Ireland) 2022 and come into operation on 1st July 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 (19).

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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 Regulations are S.R. 1987 No. 117, S.R. 1994 No. 468, S.R. 2000 No. 4, S.R. 2008 No. 286, S.R. 2010 No. 55 and S.R. 2022 No. 120. There are other amendments not relevant to these Regulations

- (2) In regulation 1(2)(a), after the definition of “doctor”, insert—
- ““healthcare professional” means a person, not being the patient, who is—
- (a) a registered medical practitioner;
 - (b) a registered nurse;
 - (c) a registered occupational therapist;
 - (d) a registered pharmacist;
 - (e) a registered physiotherapist;
- “occupational therapist” means a person who is registered in the part of the register maintained under Article 5 of the Health Professions Order 2001(b) relating to occupational therapists;
- “pharmacist” means a person who is registered in the register maintained in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976(c);
- “physiotherapist” means a person who is registered in the part of the register maintained under Article 5 of the Health Professions Order 2001 relating to physiotherapists;”.
- (3) In regulation 2(1)(d), for “doctor” substitute “healthcare professional”.
- (4) In regulation 5(1)(e), for “doctor” substitute “healthcare professional”.
- (5) In Schedule 1(f), Part 1, rule 1—
- (a) in the definition of “assessment”—
 - (i) for “doctor”, in each place where it occurs, substitute “healthcare professional”;
 - (ii) after “other health” omit “care”;
 - (b) omit the definition of “doctor”;
 - (c) in the definition of “other health care professional”—
 - (i) for ““other health care professional”” substitute ““other health professional””;
 - (ii) for “registered medical practitioner” substitute “healthcare professional”;
 - (iii) omit “a registered nurse,”;
 - (iv) omit “an occupational therapist or physiotherapist registered with a regulatory body established by an Order in Council under section 60 of the Health Act 1999,”.
- (6) In Schedule 1, Part 1, rule 2—
- (a) for “doctor” substitute “healthcare professional”;
 - (b) for “doctor’s” substitute “healthcare professional’s”;
- (7) In Schedule 1, Part 1, rule 3—
- (a) for “doctor” substitute “healthcare professional”;
 - (b) for “doctor’s” substitute “healthcare professional’s”;
- (8) In Schedule 1, Part 1, rule 4—
- (a) for “doctor’s” substitute “healthcare professional’s”;
 - (b) for “doctor” substitute “healthcare professional”;
- (9) In Schedule 1, Part 1, rule 5—

(a) Regulation 1(2) was amended by regulation 2(2) of S.R. 1987 No. 117, regulation 2(2) of S.R. 1994 No. 468, regulation 3(2) of S.R. 2000 No. 4 and regulation 8(2) of S.R. 2008 No. 286

(b) S.I. 2002/254. Article 5 was amended by S.I. 2009/1182

(c) S.I. 1976/1213 (N.I. 22). Articles 6 and 9 were amended by S.R. 2008 No. 192 and Article 9 was further amended by Schedule 4 to the Coronavirus Act 2020 (c. 7)

(d) Regulation 2(1) was substituted by regulation 2(2) of S.R. 2010 No. 55

(e) Regulation 5(1) was substituted by regulation 2(4) of S.R. 1994 No. 468

(f) Schedule 1 was substituted by regulation 2(3) of S.R. 2010 No. 55 and amended by regulation 2 of S.R. 2022 No. 120

- (a) for “doctor’s”, in each place where it occurs, substitute “healthcare professional’s”;
 - (b) for “doctor”, in each place where it occurs, substitute “healthcare professional”;
 - (c) in sub-paragraph (h), for “otherwise).” substitute “otherwise); and”
 - (d) after sub-paragraph (h), insert “(i) the profession of the healthcare professional.”.
- (10) In Schedule 1, Part 1, after rule 5 insert—
- “**5A.** Where the healthcare professional’s statement is in the form set out in Part 11 of this Schedule—
- (a) the healthcare professional’s name shall, irrespective of their profession, be recorded next to the words “doctor’s signature”;
 - (b) the healthcare professional’s address shall, irrespective of their profession, be recorded next to the words “doctor’s address”; and
 - (c) the healthcare professional shall record their profession within the statement in such place as appears to them to be appropriate.”.
- (11) In Schedule 1, Part 1, rule 6—
- (a) for “doctor” substitute “healthcare professional”;
 - (b) for “doctor’s” substitute “healthcare professional’s”.
- (12) In Schedule 1, Part 1, rule 7, for “doctor”, in both places where it occurs, substitute “healthcare professional”.
- (13) In Schedule 1, Part 1, rule 8, for “doctor’s” substitute “healthcare professional’s”.
- (14) In Schedule 1, Part 1, rule 9, in both places where it occurs, for “doctor’s” substitute “healthcare professional’s”.
- (15) In Schedule 1, Part 1, rule 10, in each place where it occurs, for “doctor’s” substitute “healthcare professional’s”.
- (16) In Schedule 1, Part 1, rule 11, in both places where it occurs, for “doctor’s” substitute “healthcare professional’s”.
- (17) In Schedule 1, Part 1, rule 12—
- (a) for “doctor’s” substitute “healthcare professional’s”;
 - (b) for “doctor” substitute “healthcare professional”.
- (18) In Schedule 1, Part 1, rule 13—
- (a) for “doctor”, in both places where it occurs, substitute “healthcare professional”;
 - (b) for “doctor’s”, in both places where it occurs, substitute “healthcare professional’s”.
- (19) In the following places, for the reference to “doctor’s” substitute “healthcare professional’s”—
- (a) the heading of Schedule 1, Part 11;
 - (b) the heading of Schedule 1, Part 11A.

Amendment of the Statutory Sick Pay (Medical Evidence) Regulations

3.—(1) The Statutory Sick Pay (Medical Evidence) Regulations (Northern Ireland) 1985(a) are amended in accordance with paragraphs (2) to (18).

(2) In regulation 1(2)(b), after the definition of “the Administration Act” insert—

““healthcare professional” means a person, not being the patient, who is—

- (a) a registered medical practitioner;
- (b) a registered nurse;

(a) S.R. 1985 No. 321; relevant amending Regulations are S.R. 2010 No. 55 and S.R. 2022 No. 120
 (b) Regulation 1(2) was amended by regulation 3(2) of S.R. 2022 No. 120

- (c) a registered occupational therapist;
- (d) a registered pharmacist;
- (e) a registered physiotherapist;

“occupational therapist” means a person who is registered in the part of the register maintained under Article 5 of the Health Professions Order 2001 relating to occupational therapists;

“pharmacist” means a person who is registered in the register maintained in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976;

“physiotherapist” means a person who is registered in the part of the register maintained under Article 5 of the Health Professions Order 2001 relating to physiotherapists;”.

- (3) In regulation 2(1)(a)(a), for “doctor” substitute “healthcare professional”;
- (4) Schedule 1(b), Part 1, rule 1—
 - (a) in the definition of “assessment”—
 - (i) for “doctor”, in each place where it occurs, substitute “healthcare professional”;
 - (ii) after “other health” omit “care”;
 - (b) omit the definition of “doctor”;
 - (c) in the definition of “other health care professional”—
 - (i) for ““other health care professional”” substitute ““other health professional””;
 - (ii) for “registered medical practitioner” substitute “healthcare professional”;
 - (iii) omit “a registered nurse,”;
 - (iv) omit “an occupational therapist or physiotherapist registered with a regulatory body established by an Order in Council under section 60 of the Health Act 1999,”.
- (5) In Schedule 1, Part 1, rule 2—
 - (a) for “doctor” substitute “healthcare professional”;
 - (b) for “doctor’s” substitute “healthcare professional’s”.
- (6) In Schedule 1, Part 1, rule 3—
 - (a) for “doctor” substitute “healthcare professional”;
 - (b) for “doctor’s” substitute “healthcare professional’s”.
- (7) In Schedule 1, Part 1, rule 4—
 - (a) for “doctor’s” substitute “healthcare professional’s”;
 - (b) for “doctor” substitute “healthcare professional”.
- (8) In Schedule 1, Part 1, rule 5—
 - (a) for “doctor’s”, in each place where it occurs, substitute “healthcare professional’s”;
 - (b) for “doctor”, in each place where it occurs, substitute “healthcare professional”;
 - (c) in sub-paragraph (h), for “otherwise).” substitute “otherwise); and”;
 - (d) after sub-paragraph (h), insert “(i) the profession of the healthcare professional.”.
- (9) In Schedule 1, Part 1, after rule 5 insert—
 - “5A. Where the healthcare professional’s statement is in the form set out in Part 11 of this Schedule—
 - (a) the healthcare professional’s name shall, irrespective of their profession, be recorded next to the words “doctor’s signature”;

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

(b) Schedule 1 was substituted by regulation 3(4) of S.R. 2010 No. 55 and amended by regulation 3(3) to (6) of S.R. 2022 No. 120

- (b) the healthcare professional’s address shall, irrespective of their profession, be recorded next to the words “doctor’s address”; and
 - (c) the healthcare professional shall record their profession within the statement in such place as appears to them to be appropriate.”.
- (10) In Schedule 1, Part 1, rule 6—
- (a) for “doctor” substitute “healthcare professional”;
 - (b) for “doctor’s” substitute “healthcare professional’s”.
- (11) In Schedule 1, Part 1, rule 7, for “doctor”, in both places where it occurs, substitute “healthcare professional”.
- (12) In Schedule 1, Part 1, rule 8, for “doctor’s” substitute “healthcare professional’s”.
- (13) In Schedule 1, Part 1, rule 9, for “doctor’s”, in both places where it occurs, substitute “healthcare professional’s”.
- (14) In Schedule 1, Part 1, rule 10, for “doctor’s”, in each place where it occurs, substitute “healthcare professional’s”.
- (15) In Schedule 1, Part 1, rule 11, for “doctor’s”, in both places where it occurs, substitute “healthcare professional’s”.
- (16) In Schedule 1, Part 1, rule 12—
- (a) for “doctor’s” substitute “healthcare professional’s”;
 - (b) for “doctor” substitute “healthcare professional”.
- (17) In Schedule 1, Part 1, rule 13—
- (a) for “doctor”, in both places where it occurs, substitute “healthcare professional”;
 - (b) for “doctor’s”, in both places where it occurs, substitute “healthcare professional’s”.
- (18) In the following places, for the reference to “doctor’s” substitute “healthcare professional’s”—
- (a) the heading of Schedule 1, Part 11;
 - (b) the heading of Schedule 1, Part 11A.

Consequential Amendments

- 4.**—(1) In regulation 55ZA(2)(a) of the Jobseeker’s Allowance Regulations (Northern Ireland 1996**(a)**), after “the form of” omit “a doctor’s”.
- (2) In regulation 21(1)(a) of the Employment and Support Allowance Regulations (Northern Ireland) 2008**(b)**, after “the form of” omit “doctor’s”.
- (3) In the Universal Credit Regulations (Northern Ireland) 2016**(c)**—
- (a) in regulation 8(1)(b), omit “by a registered medical practitioner”; and
 - (b) in regulation 97(7)(b)(ii)**(d)**, omit “by a doctor”.
- (4) In the Jobseeker’s Allowance Regulations (Northern Ireland) 2016**(e)**—
- (a) in regulation 16(5)(b)(ii), omit “by a doctor”; and
 - (b) in regulation 46(2)(a), after “the form of” omit “a doctor’s”.
- (5) In regulation 17(1)(a) of the Employment and Support Allowance Regulations (Northern Ireland) 2016**(f)**, after “the form of” omit “doctor’s”.

(a) S.R. 1996 No. 198; regulation 55ZA was inserted by regulation 2(5) of S.R. 2015 No. 138
 (b) S.R. 2008 No. 280
 (c) S.R. 2016 No. 216
 (d) Regulation 97(7) was amended by regulation 6(16) of S.R. 2018 No. 92
 (e) S.R. 2016 No. 218
 (f) S.R. 2016 No. 219

Sealed with the Official Seal of the Department for Communities on 10th June 2022
(L.S.)

Anne McCleary
A senior officer of the Department for Communities

The Commissioners for Her Majesty's Revenue and Customs hereby concur.
(L.S.)

Myrtle Lloyd
Justin Holliday

9th June 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 amends the 1976 Regulations, and regulation 3 amends the 1985 Regulations, to expand the people who can sign statements (which are known as “fit notes”) to include registered nurses, occupational therapists, pharmacists and physiotherapists. Fit notes are the prescribed form of evidence for social security and statutory sick pay purposes. Regulations 2 and 3 replace references to “doctor” with references to “healthcare professional”. They also insert a definition of “healthcare professional” which includes doctors and the four new professions.

Regulation 4 makes consequential amendments to other sets of Regulations which refer to medical evidence under the 1976 Regulations as having been signed by doctors or registered medical practitioners.

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), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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£6.90

<http://www.legislation.gov.uk/id/misr/2022/182>

ISBN 978-0-33-801970-7



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