

2022 No. 298

SOCIAL SECURITY

TERMS AND CONDITIONS OF EMPLOYMENT

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

<i>Made</i> - - - -	<i>14th March 2022</i>
<i>Laid before Parliament</i>	<i>16th March 2022</i>
<i>Coming into force</i> - -	<i>6th April 2022</i>

The Secretary of State, with the concurrence of the Commissioners for Her Majesty's Revenue and Customs insofar as this is required(a), makes the following Regulations in exercise of the powers conferred by sections 5(1)(i), (1A) and (5), 14(2), 189(1) and (4) and 191 of the Social Security Administration Act 1992(b), and sections 16(1), 79(1) and (4) and 84 and paragraph 3 of Schedule 5 to the Social Security Act 1998(c).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992, the Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it.

Citation, Commencement, Extent and Interpretation

1.—(1) These Regulations may be cited as the Social Security (Medical Evidence) and Statutory Sick Pay (Medical Evidence) (Amendment) Regulations 2022.

(2) These Regulations come into force on 6th April 2022.

(3) These Regulations extend to England and Wales and Scotland.

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- (a) By virtue of section 14(2) and 191 of the Social Security Administration Act 1992 (c. 5) regulations made by the Secretary of State pursuant to section 14(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.
- (b) 1992 c. 5. Section 5(1A) was inserted by section 99(3) of the Welfare Reform Act 2012 (c. 5). Section 14(2) was amended by paragraph 42 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2). Section 189(1) was amended by paragraph 109 of Schedule 7 and Schedule 8 to the Social Security Act 1998 (c. 14), by paragraph 57(1) and (2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), and by Schedule 6 to the Tax Credits Act 2002 (c. 21). Section 189(1) is cited as it provides that, subject to any provision providing that regulations are to be made by HMRC, regulations are to be made by the Secretary of State. Section 189(4) was amended by paragraph 109 of Schedule 7 to the Social Security Act 1998 (c. 14) and by Part 1 of Schedule 1 to the Public Bodies (Abolition of the Disability Living Allowance Advisory Board) Order S.I. 2013/252. Section 191 is cited for the definition of "prescribe" and was amended by paragraph 10 of Schedule 5 to the Welfare Reform Act 2007 (c. 5).
- (c) 1998 c. 14. Section 79(1) is cited as it provides that regulations are to be made by the Secretary of State. Section 84 is cited for the definition of "prescribe".

(4) In these Regulations—

“the 1976 Regulations” means the Social Security (Medical Evidence) Regulations 1976(a);

“the 1985 Regulations” means the Statutory Sick Pay (Medical Evidence) Regulations 1985(b).

Amendment of the 1976 Regulations

2.—(1) The 1976 Regulations are amended as follows.

(2) In Schedule 1, Part 1, rule 2—

(a) after “Part 2” insert “or Part 2A”; and

(b) omit “and shall be signed by that doctor”.

(3) In Schedule 1, Part 1, rule 3—

(a) after “Part 2” insert “or Part 2A”; 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 2, insert the following—

“PART 2A

ALTERNATIVE FORM OF DOCTOR’S STATEMENT

(a) S.I. 1976/615. Relevant amending instruments are S.I. 1987/409, 1992/247, 1994/2975, 1999/3109, 2001/2931, 2002/881, 2008/1554, 2010/137, 2013/235 and 630.

(b) S.I. 1985/1604. Relevant amending instruments are S.I. 1992/247 and 2010/137.

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

Patient's name

Mr, Mrs, Miss, Ms

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 1985 Regulations

3.—(1) The 1985 Regulations are amended as follows.

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

(3) In Schedule 1, Part 1, rule 2—

- (a) after “Part 2” insert “or Part 2A”; and
- (b) omit “and shall be signed by that doctor”.

(4) In Schedule 1, Part 1, rule 3—

- (a) after “Part 2” insert “or Part 2A”; 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 2 insert the following—

“PART 2A

ALTERNATIVE FORM OF DOCTOR’S STATEMENT

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

Patient's name

Mr, Mrs, Miss, Ms

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

”

Signed by the authority of the Secretary of State for Work and Pensions.

14th March 2022

Chloe Smith
Minister of State
Department for Work and Pensions

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

11th March 2022

Jim Harra
Penny Ciniewicz
Two of the Commissioners for 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 1976 (“the 1976 Regulations”) and the Statutory Sick Pay (Medical Evidence) Regulations 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 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 amend the 1976 Regulations to permit the statement to be in the form provided for in Part 2 or Part 2A. Regulation 2(5) inserts a new Part 2A 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 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) also amend the 1985 Regulations to permit the statement to be in the form provided for in Part 2 or Part 2A. Regulation 3(6) inserts a new Part 2A which contains an additional version of the doctor's statement.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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