

**2022 No. 630**

**SOCIAL SECURITY**

**TERMS AND CONDITIONS OF EMPLOYMENT**

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

<i>Made</i> - - - -	<i>8th June 2022</i>
<i>Laid before Parliament</i>	<i>10th June 2022</i>
<i>Coming into force</i> - -	<i>1st July 2022</i>

The Secretary of State, with the concurrence of the Commissioners for Her Majesty's Revenue and Customs in relation to regulation 3(a), makes the following Regulations in exercise of the powers conferred by sections 5(1)(i) and (1A), 14(2), 189(1), (4) and (5) and 191 of the Social Security Administration Act 1992(b), and sections 16(1), 79(1), (4) and (6) 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) (No. 2) Regulations 2022.

(2) These Regulations come into force on 1st July 2022.

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

(4) In these Regulations—

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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, 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 the Treasury or the Inland Revenue, regulations are to be made by the Secretary of State. Section 189(4) was amended by paragraph 109 of Schedule 7 and Schedule 8 to the Social Security Act 1998 and by 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.

“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 regulation 1(2), after the definition of “doctor”, insert—

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

- (a) a registered medical practitioner(c);
- (b) a registered nurse(d);
- (c) a registered occupational therapist or registered physiotherapist(e);
- (d) a registered pharmacist within the meaning of article 3 of the Pharmacy Order 2010(f);”.

(3) In regulation 2(1), for “doctor” substitute “healthcare professional”.

(4) In regulation 5(1), for “doctor” substitute “healthcare professional”.

(5) In Schedule 1, 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) 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”;

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(a) S.I. 1976/615. Relevant amending instruments are S.I. 1989/1686, 1992/247, 1994/2975, 2008/1554, 2010/137 and 2022/298.

(b) S.I. 1985/1604. Relevant amending instruments are S.I. 1992/247, 2010/137 and 2022/298.

(c) “Registered medical practitioner” has the meaning given by Schedule 1 to the Interpretation Act 1978 (c. 30).

(d) “Registered nurse” has the meaning given by Schedule 1 to the Interpretation Act 1978.

(e) “Registered”, in relation to an occupational therapist or physiotherapist, means registered in the register maintained under Article 5 of the Health Professions Order 2001 (S.I. 2002/254); see Article 5(5) and Schedule 3 of that Order.

(f) S.I. 2010/231, as amended by S.I. 2019/593.

- (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 the following—
- “**5A.** Where the healthcare professional’s statement is in the form set out in Part 2 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, for “doctor’s”, in both places where it occurs, substitute “healthcare professional’s”.
- (15) In Schedule 1, Part 1, rule 10, for “doctor’s”, in each place where it occurs, substitute “healthcare professional’s”.
- (16) In Schedule 1, Part 1, rule 11, for “doctor’s”, in both places where it occurs, 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 2;
  - (b) the heading of Schedule 1, Part 2A.

### **Amendment of the 1985 Regulations**

- 3.**—(1) The 1985 Regulations are amended as follows.
- (2) In regulation 1(2), after the definition of the “1992 Act”, 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 or registered physiotherapist;
  - (d) a registered pharmacist within the meaning of article 3 of the Pharmacy Order 2010;”.
- (3) In regulation 2(1)(a), for “doctor” substitute “healthcare professional”.
- (4) In Schedule 1, 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 the following—
 

**“5A.** Where the healthcare professional’s statement is in the form set out in Part 2 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.”.
- (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 2;
- (b) the heading of Schedule 1, Part 2A.

### **Consequential Amendments**

4.—(1) In regulation 55ZA(2)(a) of the Jobseeker’s Allowance Regulations 1996(a), after “the form of” omit “a doctor’s”.

(2) In regulation 21(1)(a) of the Employment and Support Allowance Regulations 2008(b), after “the form of” omit “doctor’s”.

(3) In the Universal Credit Regulations 2013(c)—

- (a) in regulation 8(1)(b), omit “by a registered medical practitioner”;
- (b) in regulation 99(4)(b)(ii), omit “by a doctor”.

(4) In the Jobseeker’s Allowance Regulations 2013(d)—

- (a) in regulation 16(5)(b)(ii), omit “by a doctor”;
- (b) in regulation 46A(2)(a), after “the form of” omit “a doctor’s”.

(5) In regulation 17(1)(a) of the Employment and Support Allowance Regulations 2013(e), after “the form of” omit “doctor’s”.

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

*Chloe Smith*

Minister of State

Department for Work and Pensions

8th June 2022

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

*Angela MacDonald*

*Penny Ciniewicz*

8th June 2022

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”).

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(a) S.I. 1996/207. Regulation 55ZA was inserted by S.I. 2015/339. There are amending instruments but none is relevant.

(b) S.I. 2008/794.

(c) S.I. 2013/376. There are amending instruments but none is relevant.

(d) S.I. 2013/378. Regulation 46A was inserted by S.I. 2015/339. There are amending instruments but none is relevant.

(e) S.I. 2013/379.

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.

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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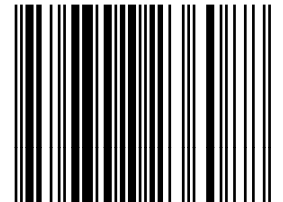
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