

THE NATIONAL INSURANCE AND SOCIAL SECURITY ACT,
1969.

THE NATIONAL INSURANCE AND SOCIAL SECURITY
(MEDICAL CERTIFICATION) REGULATIONS, 1969.

In exercise of the powers conferred upon the Minister by Section 51 of the National Insurance and Social Security Act, 1969, and by virtue and in exercise of all other powers enabling him in that behalf the following Regulations are hereby made:—

Citation and
commence-
ment.

1. These Regulations may be cited as the National Insurance and Social Security (Medical Certification) Regulations 1969, and shall come into operation on the day declared pursuant to section 19(3) of the Act.

Interpretation.

2. (1) In these Regulations, unless the context otherwise requires —

No. 15 of
1969.

“the Act” means the National Insurance and Social Security Act, 1969;

“determining authority” means, as the case may require, the Board or the Director, or an appeal tribunal a medical board or the National Insurance Commissioner constituted or appointed in accordance with any Regulations made under the Act;

“hospital” means any institution for the reception and treatment of persons suffering from illness or mental defectiveness, any maternity home, and any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation, and includes clinics, dispensaries and out-patient departments maintained in connection with any such institution or home as aforesaid;

“incapacity” means incapacity by reason of which a person is rendered incapable of work;

“registered medical practitioner” means a person duly registered as a medical practitioner under the laws for the time being in force relating to the registration of medical practitioners;

Cap. 137.

“registered midwife” means a person registered as a midwife under the Nurses and Midwives Registration Ordinance;

“signature” means, in relation to any certificate, the name by which the person giving the certificate is usually known (any name other than the surname being either in full or otherwise indicated) written by that person in his own handwriting; and the expression “signed” shall be construed accordingly.

(2) For the purpose of any provision of these Regulations providing that any certificate shall be in a form set out in the Schedule 1

or Schedule 2 to these Regulations, any reference to such form shall include a reference to any such other form substantially to the like effect as the Board may from time to time approve.

3. (1) Every person claiming sickness benefit or injury benefit shall furnish evidence of incapacity, in respect of the day or days for which the claim is made by means of a certificate given by a registered medical practitioner in accordance with the rules for medical certification set out in Part A of Schedule 1 of these Regulations in the form appropriate to the circumstances of the case, as set out in Part B of that Schedule or by such other means as the determining authority may accept as sufficient in the circumstances of any particular case or class of cases.

Certificates
of incapacity
and confine-
ment.

(2) Every insured woman by whom or on whose behalf a claim for maternity benefit is made shall furnish evidence —

- (a) where the claim is made in respect of expectation of confinement, that she is pregnant and as to the stage which she has reached in her pregnancy; or
- (b) where the claim is made by virtue of the fact of confinement, that she has been confined,

and shall furnish such evidence by means of a certificate given in accordance with the rules for certification set out in Part A of Schedule 2 to these Regulations on the appropriate form as set out in Part B of that Schedule or by such other means as the determining authority may accept as sufficient in the circumstances of any particular case or class of cases; and, for the purposes of this paragraph, the expression "certificate" shall not include a certificate which is given only by the person by whom or on whose behalf the claim is made.

SCHEDULE 1

PART A

RULES FOR MEDICAL CERTIFICATION

1. In these Rules, unless the context otherwise requires —
 "certificate" means a certificate of incapacity;
 "claimant" means the person in respect of whom a certificate is given;
 "practitioner" means a registered medical practitioner not being the claimant.
2. Every certificate shall be written in ink or other indelible substance, and shall contain the following particulars:—
 - (a) the claimant's name;
 - (b) the date and place of the examination on which the certificate is based;
 - (c) a concise statement of the disease or disablement by which the claimant is, in the practitioner's opinion, at the time rendered incapable of work;
 - (d) the date on which the certificate is given;
 - (e) the address of the practitioner;
 and shall bear the signature of the certifying practitioner written after there have been entered on the certificate the claimant's name and a statement of the disease or disablement.
3. The statement of the incapacitating disease or disablement in the certificate shall specify the cause of incapacity as precisely as the practitioner's knowledge of the claimant's condition at the time of the examination permits:
 Provided that, if in the practitioner's opinion a disclosure to the claimant of the precise cause would be prejudicial to his well-being, the certificate may contain a less precise statement.
4. Every certificate must have been given on a date not more than one day later than the date of the examination upon which it is based, and no further certificate based on the same examination shall be furnished other than a certificate to replace an original certificate which has been lost or mislaid, but in that case the form shall be clearly marked "duplicate".
5. Where the claimant is being attended by a practitioner in the public service or is receiving treatment on the advice of such a practitioner at any hospital as either an in-patient or an out-patient, the certificate shall be on a form supplied by the Board for the purpose and shall be signed by that practitioner.
6. Where the claimant is being attended by any other practitioner the certificate shall be either on a form supplied by the Board or on such other form substantially to the like effect as the determining authority may accept, and shall be signed by such other practitioner.
7. The certificate shall be in the form set out in Part B of this Schedule.
8. In any case in which, in the opinion of the practitioner, the claimant will become fit to resume work on a day not later than the end of the 7th day after the date of the examination on which the certificate is based, the certificate shall specify the first-mentioned day.
9. In any other case, the certificate shall cover a specified number of days or weeks from and including the date of the examination on which the certificate is based, which shall not exceed 14 days in the case of a first or second certificate or 28 days in respect of any subsequent certificate.
10. Before resuming work, every claimant producing a certificate under rule 9 shall furnish a certificate in accordance with the provisions of rule 8 specifying the date on which, in the opinion of the practitioner, the claimant will become fit to resume work.
11. In computing any period of time in relation to any certificate given under rules 8 or 9 Public Holidays (including Sundays) shall be included.

PART B

MEDICAL CERTIFICATE

I, a duly qualified registered medical practitioner, hereby certify that M..... (Name) of..... was examined by me on (Address) at

for the first/second/ time and in my opinion ^x he/she was at the time of the examination suffering from

As a result of this disability ^x he/she —

(Complete (a) or (b) whichever is appropriate)

- (a) will be fit to resume work ^x today/tomorrow/on *..... or
 (b) will remain incapable of work for a period of + days.

Any other remarks by doctor

Doctor's Signature

Date.....

Address

* The date indicated must not be more than seven days (Public Holidays, including Sundays, included) after the date of examination.

+ The period entered must not exceed 14 days (Public Holidays, including Sundays, included) in the case of a first or second certificate or 28 days for a third or subsequent certificate.

x Delete where inapplicable.

Form Med. 1.

SCHEDULE 2

Regulation 3(2)

PART A

RULES FOR CERTIFICATION OF CONFINEMENT

1. Certificates of confinement or expected confinement shall be written in ink or other indelible substance signed by a registered medical practitioner or registered midwife attending the woman.
2. The certificate shall be on a form provided by the Board for the purpose. The wording of the certificate shall be as set out in the appropriate form in Part B of this Schedule.
3. Every certificate of confinement or expected confinement shall contain the following particulars:—
 - (a) the woman's name;
 - (b) in the case of a certificate of confinement the date and place of the confinement, and the date of the examination on which the certificate is based;
 - (c) in the case of a certificate of expected confinement the week in which it is to be expected that the woman will be confined and the date of the examination on which the certificate is based;

- (d) the date on which the certificate is given;
- (e) where the certificate is signed by a midwife, either the registered number of the midwife or her address and the date of her qualification;
- and shall bear the signature of the person giving the certificate written after there have been entered on the certificate the woman's name and the date, or (as the case may be) the expected date, of the confinement.
4. After a certificate based on an examination has been given, no further certificate based on the same examination shall be furnished other than a certificate to replace an original certificate which has been lost or mislaid, but in that case the form shall be marked "duplicate".

PART B

FORMS OF CERTIFICATE

CERTIFICATE OF CONFINEMENT (a)

(To be given by a registered medical practitioner or registered midwife.)

I certify that I attendedin connection with her confinement (a) which took place at (address) and that she was there delivered of a child on the day of children (b) 19

(It is important that, where the medical practitioner or midwife considers that the confinement (a) took place before the week (c) in which it was expected, the following paragraph should be completed. In any other case, it should be struck through).

I certify that, in my opinion, it was to be expected that she would be confined (a) in the week (c) containing theday of19.....

Signature

(If Registered Midwife, add registered number or address and date of qualification).....

Date of examination

Date of signing

NOTES :

- (a) Confinement is so defined by the National Insurance and Social Security (Benefit) Regulations, 1969 that this certificate can only be given —
- (i) where labour results in the issue of a living child
- or
- (ii) where labour results in the issue of a dead child and pregnancy has lasted for at least 28 weeks.
- The certificate must not be given in any other circumstances.
- (b) Insert number of children, if more than one.
- (c) The week referred to is a contribution week, i.e. one which begins on Monday.

CERTIFICATE OF EXPECTED CONFINEMENT

(To be given by a registered medical practitioner or registered midwife not earlier than the beginning of the ninth week* before the week* containing the day of expected confinement)

To

I certify that I examined you on the undermentioned date and that in my opinion you may expect to be confined in the week* which will include the.....
day of19.....

(Here insert the expected date of confinement)

Signature.....

(If Registered Midwife, add registered number.....
 or address and date of qualification).....

.....

Date of examination.....

Date of signing.....

Any other remarks by Doctor or Midwife.....

.....

* The week referred to is a contribution week, i.e. one which begins on a Monday.

Form Med. 3

Made this 15th day of December, 1969.

W. CARRINGTON

Minister of Labour and Social Security.