

1952-10 Social Security (Employment Injuries Insurance)

Subsidiary Legislation made under ss.2 & 50.

Medical Certification Regulations

1952.06.26-3

Commencement **7.7.1952**

Amending enactments	Relevant current provisions	Commencement date
Regs. of 18.8.1955	r. 2	
17.10.1968	—	
LN. 1971/008	r. 6(2)	
1975/109	—	
1978/051	—	
1978/071	r. 6	
2001/033	rr. 2, 6	19.4.2001
Act. 2007-17	r. 6(1)-(2)	14.6.2007

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ARRANGEMENT OF REGULATIONS

Regulation

1. Title.
2. Interpretation.
3. Certificates of incapacity.
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5. Appointment and duties of sick visitors.
6. Recovery of cost of free medical treatment.

SCHEDULE.

Part I.—Rules for medical certification.

Part II.—Form of certificates.

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Title.

1. These Regulations may be cited as the Medical Certification Regulations.

Interpretation.

2. In these regulations, unless the context otherwise requires,—

“determining authority” means either the Director or the Board, according to whichever is for the time being responsible for determination of the claim to benefit;

“prescribed medical officer or practitioner” has the meaning assigned to that expression by regulation 6 of the Employment Injuries (Claims) Regulations.

Certificates of incapacity.

3. Every person claiming injury benefit shall furnish evidence of incapacity in respect of the days for which the claim is made by means of a certificate given by a prescribed medical officer or practitioner in accordance with the certification rules set out in Part I of the Schedule in the form appropriate to the circumstances of the case, as set out in Part II of that Schedule, or by such other means, including a certificate given by any other medical practitioner, as the determining authority may accept as sufficient in the circumstances of any particular case or class of cases.

Conditions as to behaviour.

- 4.(1) Every claimant to, and every beneficiary in receipt of, injury benefit or disablement benefit shall observe the following conditions as to behaviour, namely:—

- (a) to refrain from behaviour calculated to retard his recovery; and
- (b) to answer any reasonable enquiries, by or on behalf of the Director, including enquiries made in accordance with the provisions of regulation 5, directed to ascertaining whether he is so doing.

- (2) Every claimant to, and every beneficiary in receipt of, injury benefit, shall observe the following additional conditions as to behaviour, namely:—

- (a) not to be absent from his place of residence without leaving word where he may be found; and

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- (b) to do work for which remuneration is or would ordinarily be payable unless it is work which is undertaken as part of his treatment while he is a patient in or of a hospital or similar institution.

Appointment and duties of sick visitors.

5.(1) Every insured person who claims, or is in receipt of, injury benefit, shall be liable to be visited in his home by an officer appointed by the Minister under section 43(1) of the Act.

(2) Such an officer may visit any such insured person at any reasonable hour during the day or evening, with or without notice, to make any reasonable enquiries (not being enquiries relating to medical examination, treatment or advice) as may be necessary to assist the determining authority in deciding whether the conditions for receipt of benefit are satisfied or continue to be satisfied.

(3) An injured person may not be visited in his home by such an officer who is of the opposite sex.

(4) Nothing in this regulation shall be construed as conferring upon such an officer the right to enter, without permission, any private dwelling house.

Recovery of cost of free medical treatment.

6.(1) The Director shall make in respect of each year or other lesser period (as determined by the Financial Secretary in consultation with the Minister) payments in respect of the cost of free medical, surgical and pharmaceutical aid provided by the Gibraltar Health Authority to insured persons under section 30 of the Act.

(2) The amount in respect of any year or lesser period shall be such amount as the Financial Secretary in consultation with the Minister deems reasonable taking all relevant circumstances into account.

(3) Any payment under this regulation shall be made to the Consolidated Fund out of the Employment Injuries Insurance Fund.

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SCHEDULE

Regulation 3

PART I. RULES FOR MEDICAL CERTIFICATION.

1. In these Rules, unless the context otherwise requires,—

“certificate” means a certificate of incapacity by virtue of which an insured person is claiming injury benefit ;

“practitioner” means the prescribed medical officer or practitioner who is completing the certificate.
2. Every certificate shall be in writing in ink or other indelible substance, and shall contain the following particulars:-
 - (a) the claimant's name;
 - (b) the date of the examination on which the certificate is based ; and
 - (c) a concise statement of the disease or injury by which the claimant is, in the practitioner's opinion, at the time rendered incapable of work.
3. The statement of the incapacitating disease or injury 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 pre judicial to his well-being the certificate may contain a less precise statement.
4. Certificates shall be furnished weekly during the continuance of the incapacity.
5. Except in any case to which the provisions of rule 6 of these rules apply, every certificate shall be in the form of an intermediate certificate.
6. If at the date of the examination the claimant, in the opinion of the practitioner, is, or will become on a day not later than the third day after that date, fit to return to work, the certificate shall be in the form of a final certificate.

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7. Every claimant shall obtain a final certificate before he returns to work.

PART II.

FORM OF CERTIFICATES. .

A. INTERMEDIATE MEDICAL CERTIFICATE.

I certify that I have examined this day and consider that he has remained incapable of work in consequence of (*nature of disability*) up to and including to-day.

He will be unfit for work until inclusive, on which date he should report for re-examination

Date

Any other remarks }
by doctor }

Medical officer or
practitioner.

B. FINAL MEDICAL CERTIFICATE.

I certify that I have examined this day and consider that he has remained incapable of work in consequence of (*nature of disability*) up to and including to-day.

He will be fit to return to work tomorrow/on

Date

Any other remarks }
by doctor }

Medical officer or
practitioner.