

GREFFE
ROYAL COURT

22 MAY 1990

1990 - No.10

The Social Insurance (Benefits) (Miscellaneous Provisions)
(Amendment) (Guernsey) Regulations, 1990

Made 22nd May 1990
Laid before the States
Coming into operation 1st June 1990

THE STATES INSURANCE AUTHORITY, in exercise of the powers conferred upon it by section 90 and section 116 of the Social Insurance (Guernsey) Law, 1978, as amended^(a), hereby orders:-

Amendment of regulation 1 of the principal Regulations

1. Regulation 1(1) of the Social Insurance (Benefits) (Miscellaneous Provisions) (Guernsey) Regulations, 1978, as amended^(b), (the "principal Regulations") is hereby amended as follows:-

(a) immediately preceding the definition "dependency benefit" there is inserted -

"dentist" means a person authorised to practise in Guernsey as a dentist;"

(b) immediately after the definition "prescribed disease" there is inserted -

"physiotherapist" means a person who is a member of the Chartered Society of Physiotherapy or is a State Registered Physiotherapist;

"osteopath" means a person who is a member of the General Council and Register of Osteopaths;".

Amendment of regulations 33 and 34 of the principal Regulations

2. Regulations 33 and 34 of the principal Regulations are hereby repealed and the following Regulations hereby substituted:-

(a) Ordres en Conseil Vol.XXVI, p.292; Vol.XXVII, pp.238, 307 and 392; No.IV of 1985; No.III of 1986 and No.XXXI of 1986.

(b) S.I. 1978 No.21; S.I. 1980 No.26; S.I. 1985 No.15 and S.I. 1989 No.3.

"Evidence of incapacity

33.(1) A person who claims sickness benefit (other than a woman who claims sickness benefit by reason of her expected confinement), invalidity benefit or industrial 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, in accordance with the following provisions of this regulation, by -

- (a) a medical practitioner in the form appropriate to the circumstances of the case as set out in Part I of the Fourth Schedule to these regulations; or
- (b) a dentist, a physiotherapist or an osteopath in the form appropriate to the circumstances of the case as set out in Part IA of the Fourth Schedule to these regulation, or

by such other means as the Administrator or the Tribunal, as the case may be, may accept as sufficient in the circumstances of the case.

(2) Every such certificate shall be completed in writing in ink or other indelible substance and shall bear, immediately above the words "Medical Practitioner" or "Dentist/Physiotherapist/Osteopath" as the case may be, the signature of the certifying medical practitioner, dentist, physiotherapist or osteopath.

(3) The medical practitioner, dentist, physiotherapist or osteopath shall specify, in such certificate, as precisely as his knowledge of the claimant's condition at the time of the examination permits, the disease, disablement or infirmity for which the examination was undertaken and which renders the claimant incapable of work:

Provided that if, in the signatory's opinion, the disclosure to the claimant of the precise disease, disablement or infirmity would be prejudicial to his well-being, the certificate may contain a less precise statement of that disease, disablement or infirmity.

(4) Every such certificate must have been given on a date not more than two days later than the date of the examination upon which it is based and no further such 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 certificate shall be clearly marked "duplicate".

(5) Before resuming work, every claimant shall furnish such a certificate specifying the date on which, in the opinion of the medical practitioner, dentist, physiotherapist or osteopath, the claimant will become fit to resume work or such other statement specifying the date on which the claimant will resume work as the Administrator or Tribunal may accept as sufficient in the circumstances of the case.

Evidence of personal injury, prescribed injury and prescribed disease

34.(1) A person who claims industrial medical benefit or limited medical benefit, as the case may be, but not sickness benefit, invalidity benefit or industrial injury benefit, shall furnish evidence of having been examined by a medical practitioner, dentist, physiotherapist or osteopath in respect of a personal injury caused by accident or a prescribed disease by means of a certificate given, in accordance with the following provisions of this regulation, by -

- (a) a medical practitioner in the form set out in Part II of the Fourth Schedule to these regulations; or
- (b) a dentist, a physiotherapist or an osteopath in the form set out in Part IIA of the Fourth Schedule to these regulations; or

by such other means as the Administrator or the Tribunal, as the case may be, may accept as sufficient in the circumstances of the case.

(2) Every such certificate shall be completed in writing in ink or other indelible substance and shall bear, immediately above the words "Medical practitioner" or "Dentist/Physiotherapist/Osteopath" as the case may be, the signature of the certifying medical practitioner, dentist, physiotherapist, or osteopath.

(3) The medical practitioner, dentist, physiotherapist or osteopath shall specify, in such certificate, as precisely as his knowledge of the claimant's condition at the time of the examination permits, the personal injury or prescribed disease for which the examination was undertaken:

Provided that if, in the signatory's opinion, the disclosure to the claimant of the precise nature of the personal injury or prescribed disease would be prejudicial to his well-being, the certificate may contain a less precise statement."

Amendment of the Fourth Schedule to the principal Regulations

3(1) The heading in the Fourth Schedule to the principal Regulations is repealed and the following heading is substituted therefor -

"FORMS OF CERTIFICATES"

(2) Immediately after Part I of the Fourth Schedule to the principal Regulations there shall be inserted Part IA set out in the First Schedule to these regulations.

(3) Immediately after Part II of the Fourth Schedule to the principal Regulations there shall be inserted Part IIA set out in the Second Schedule to these regulations.

Extent

4. These Regulations shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

Citation

5. These Regulations may be cited as the Social Insurance (Benefits) (Miscellaneous Provisions) (Amendment) (Guernsey) Regulations, 1990.

Collective Title

6. These Regulations and the Social Insurance (Benefits) (Miscellaneous Provisions) (Guernsey) Regulations, 1978 to 1989 may be cited together as the Social Insurance (Benefits) (Miscellaneous Provisions) (Guernsey) Regulations, 1978 to 1990.

Commencement

7. These Regulations shall come into force on the 1st day of June 1990.

Dated this 22nd day of May 1990



President of the States Insurance Authority
for and on behalf of the Authority

FIRST SCHEDULE

Regulation 3(2)

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PART IA

Certificate of Incapacity

Mr/Mrs/Miss

I certify that I examined you on and:-

(a) I am treating you for*+

(b) by reason of which you are INCAPABLE of work for

(c) you will be FIT to resume work on

Remarks

* If a prescribed injury or disease quote the reference number.

+ The condition for which treatment is being given must be inserted on first certificate and on subsequent certificates if there is any alteration.

.....
Date of Signing

.....
Dentist/Physiotherapist/Osteopath

SECOND SCHEDULE

Regulation 3(3)

"

PART IIA

Injury Certificate

Mr/Mrs/Miss

Address
.....

Date of birth

Social Security number

1. I certify that I examined the above-named person on
..... and I am treating
him/her for*

2. The patient alleges that the injury by accident was
sustained on:-

AT WORK
NOT AT WORK

Remarks

.....
Date of Signing Dentist/Physiotherapist/Osteopath

*If a prescribed injury or disease, quote the reference number.

"

EXPLANATORY NOTE

(This Note is not part of the Regulations but is intended to indicate their general purport.)

These Regulations repeal and substitute Regulations 33 and 34 of the principal Regulations so as to permit evidence of incapacity and evidence of personal injury and prescribed disease to be furnished by dentists, physiotherapists and osteopaths in addition to medical practitioners and consequentially by the addition of Parts IA and IB in the Fourth Schedule to the principal Regulations provide additional forms of certificate.