

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Social Insurance (Medical Certification) (Guernsey) Ordinance, 1968 *

[CONSOLIDATED TEXT]

NOTE

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* Recueil d'Ordonnances Tome XV, p. 271; as amended by the Social Insurance (Medical Certification) (Amendment) (Guernsey) Ordinance, 1971 (Recueil d'Ordonnances Tome XVII, p. 133); the Social Insurance (Medical Certification) (Amendment) (Guernsey) Ordinance, 1972 (Recueil d'Ordonnances Tome XVIII, p. 1). See also the Social Insurance (Collection of Contributions) (Transfer of Functions) Regulations, 2018 (G.S.I. No. 45 of 2018).

**ORDINANCE
OF THE STATES OF DELIBERATION**

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**The Social Insurance (Medical Certification) (Guernsey)
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(Made on the 31st January, 1968.)

The Social Insurance (Medical Certification) (Guernsey) Ordinance, 1968

THE STATES, in exercise of the powers conferred upon them by subsection (6) of section forty-eight and subsection (3) of section seventy-seven of the Social Insurance (Guernsey) Law, 1964, as amended^a, and of all other powers thereunto them enabling, hereby order: –

Interpretation.

1. (1) In this Ordinance, except where the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say –

"claimant" means the person in respect of whom a certificate is given in accordance with the provisions of this Ordinance,

"incapacity" means incapacity by reason of which a person is rendered incapable of work,

"midwife" means a person who is for the time being registered as a midwife under the provisions of the Midwives Ordinance, 1950^b,

"prescribed disease" has the meaning assigned to it by regulation one of the Social Insurance (Prescribed Diseases) (Guernsey) Regulations, 1964,

and any other expressions have the same meanings as in the Social Insurance

^a Ordres en Conseil Vol. XIX, p. 286; Vol. XX, p. 126; No. VII of 1967.

^b Recueil d'Ordonnances Tome X, p. 68.

(Guernsey) Law, 1964.

(2) Except where the context otherwise requires, any reference in this Ordinance to any enactment or regulations shall be constructed as including a reference to that enactment or those regulations, as the case may be, as amended, repealed, replaced or revoked by or under any other enactment or by any other regulations.

(3) The Interpretation (Guernsey) Law, 1948^c, shall apply to the interpretation of this Ordinance throughout the Islands of Guernsey, Alderney, Herm and Jethou.

NOTES

In accordance with the provisions of the Social Insurance (Collection of Contributions) (Transfer of Functions) Regulations, 2018, regulation 1, with effect from 22nd October, 2018 and subject to the savings and transitional provisions in regulation 3, the functions, rights and liabilities of the Committee for Employment & Social Security and of its President and members relating to the collection of social insurance contributions arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Policy & Resources Committee and its President and members; and, in accordance with regulation 2 of the 2018 Regulations, for any reference herein to the Committee for Employment & Social Security or its President or members, however expressed, there was substituted, to the extent that the reference related to the collection of social insurance contributions, a reference to the Policy & Resources Committee or (as the case may be) its President or members.

The Midwives Ordinance, 1950 has since been repealed by the Nurses, Midwives and Health Visitors Ordinance, 1987, section 15(1), Schedule, Part I, with effect from 26th November, 1987.

The Social Insurance (Prescribed Diseases) (Guernsey) Regulations, 1964 have since been revoked by the Social Insurance (Industrial Injuries Benefits) (Guernsey) Regulations, 1978, regulation 21, Fourth Schedule, with effect from 1st January, 1979.

The Social Insurance (Guernsey) Law, 1964 has since been repealed by the

^c Ordres en Conseil Vol. XIII, p. 355.

Social Insurance (Guernsey) Law, 1978, section 118, Fourth Schedule, Part I, with effect from 1st January, 1979, subject to the transitional provisions and savings in section 119 of, and Part II of the Fourth Schedule to, the 1978 Law.

The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.

Evidence of incapacity.

2. (1) A person who claims sickness benefit, other than a woman who claims sickness benefit by reason of her [expected] confinement, 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 medical practitioner in accordance with the following provisions of this section in the form appropriate to the circumstances of the case as set out in Part I of the Schedule to this Ordinance or by such other means as the Administrator or 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", the signature of the certifying medical practitioner.

(3) The statement of the incapacitating disease or disablement in such certificate shall specify the cause of incapacity as precisely as the medical practitioner's knowledge of the claimant's condition at the time of the examination permits:

Provided that, if in the medical practitioner's opinion the 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 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, the claimant will become fit to resume work.

NOTE

In section 2, the word in square brackets in subsection (1) was inserted by the Social Insurance (Medical Certification) (Amendment) (Guernsey) Ordinance, 1972, section 1(1)(a), with effect from 28th January, 1972.

Evidence of personal injury, prescribed injury or prescribed disease.

3. (1) A person who claims industrial medical benefit or limited medical benefit, as the case may be, but not sickness benefit, shall furnish evidence of having been examined by a medical practitioner in respect of a personal injury caused by accident or a prescribed disease by means of a certificate given by that medical practitioner in accordance with the following provisions of this section in the form set out in Part II of the Schedule to this Ordinance or by such other means as the Administrator or 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", the signature of the certifying medical practitioner.

(3) Every such certificate shall specify the personal injury or prescribed disease, as the case may be, as precisely as the medical practitioner's knowledge of the claimant's condition at the time of the examination permits:

Provided that, if in the medical practitioner's opinion the disclosure to the claimant of the precise cause would be prejudicial to his well-being, the certificate may contain a less precise statement.

Evidence of expected confinement or confinement.

4. (1) Every 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,

by means of a certificate given by a medical practitioner or midwife in the form set out in Section A or Section B, as the case may be, of Part III of the Schedule to this Ordinance.

(2) ...

(3) Every certificate of expected confinement or confinement shall be completed in writing in ink or other indelible substance and shall bear, immediately above the words "Medical Practitioner/Midwife", the signature of the certifying medical practitioner or midwife, as the case may be.]

NOTES

Section 4 was substituted by the Social Insurance (Medical Certification) (Amendment) (Guernsey) Ordinance, 1971, section 1, with effect from 7th June, 1971.

In section 4, subsection (2) was repealed by the Social Insurance (Medical Certification) (Amendment) (Guernsey) Ordinance, 1972, section 1(1)(b), with effect from 28th January, 1972, subject to the transitional provisions in section 1(2) of the 1972 Ordinance.

Repeal.

5. The Social Insurance (Medical Certification) (Guernsey) Ordinance, 1964^d, is hereby repealed.

Transitional Provisions.

6. (1) Anything whatsoever done under or by virtue of the provisions or the Social Insurance (Medical Certification) (Guernsey) Ordinance, 1964, shall be deemed to have been done under or by virtue of the corresponding provision of this Ordinance and anything whatsoever begun under the first mentioned Ordinance may be continued under this Ordinance as if begun under this Ordinance.

(2) So much of any document as refers expressly or by implication to the provisions of the Social Insurance (Medical Certification) (Guernsey) Ordinance, 1964, shall, if and so far as the context permits, be considered as referring to the corresponding provisions of this Ordinance.

Citation, extent and commencement.

7. (1) This Ordinance may be cited as the Social Insurance (Medical Certification) (Guernsey) Ordinance, 1968.

(2) This Ordinance shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

(3) This Ordinance shall come into force on the first day of April,

^d Recueil d'Ordonnances Tome XIV, p. 75.

nineteen hundred and sixty-eight.

SCHEDULE

Section two

Section three

Section four

FORMS OF CERTIFICATE

Part I

Medical Certificate

.....
.....

I certify that I examined you on

.....

and that in my opinion –

(a) you were then incapable of work by reason of * †

.....

(b) you will remain INCAPABLE of work for

.....

.....

(c) you will be fit to resume work on

.....

.....

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

AT WORK.

..... —

NOT AT WORK.

.....

Date of signing

.....

Medical Practitioner

Remarks by Medical Practitioner

* If a prescribed injury or disease, quote the Reference Number.

[Part III

Section A

Certificate of expected confinement

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

To:

Consolidated text

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

I certify that I attended

in connection with her confinement which took place at

..... (address)

and that she was there delivered of a child

..... children^(b)

on theday of 19.... .

(It is important that, where the medical practitioner or midwife considers that the confinement 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 in the week containing the day of 19.... .

.....

Date of signing

Medical Practitioner/Midwife

(If Midwife, add Registered Number or address and date of qualification

.....

.....)

NOTES: –

- (a) Confinement is so defined in the Social Insurance Laws 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) A contribution week is one which begins on a Monday.]

NOTE

In the Schedule, Part III was substituted by the Social Insurance (Medical Certification) (Amendment) (Guernsey) Ordinance, 1971, section 2, Schedule, with effect from 7th June, 1971.
