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STATUTORY RULES OF NORTHERN IRELAND

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**2021 No. 347**

**SOCIAL SECURITY**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The Statutory Sick Pay (Medical Evidence)  
(Modification) Regulations (Northern Ireland) 2021**

*Made - - - - 16th December 2021*

*Coming into operation 17th December 2021*

The Department for Communities<sup>(1)</sup>, makes the following Regulations in exercise of the powers conferred by sections 12(2)(b) and 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992<sup>(2)</sup> and now vested in it<sup>(3)</sup>, with the concurrence of the Commissioners for Her Majesty’s Revenue and Customs, in so far as such concurrence is required<sup>(4)</sup>.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Statutory Sick Pay (Medical Evidence) (Modification) Regulations (Northern Ireland) 2021 and come into operation on 17th December 2021.

(2) The Interpretation Act (Northern Ireland) 1954<sup>(5)</sup> shall apply to these Regulations as it applies to an Act of the Assembly.

(3) In these Regulations—

“the 1985 Regulations” means the Statutory Sick Pay (Medical Evidence) Regulations (Northern Ireland) 1985<sup>(6)</sup>;

“spell of incapacity” has the meaning given in by regulation 2(2) of the 1985 Regulations.

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- (1) The Department for Social Development was renamed the Department for Communities in accordance with section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))
- (2) 1992 c. 8; sections 12(2) and 165(1) were amended respectively by paragraphs 41 and 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671).
- (3) Functions previously discharged by the Department of Health and Social Services were transferred to the Department for Social Development in accordance with Article 8(b) of S.R. 1999 No. 481 and section 1(7) of the Departments Act (Northern Ireland) 2016
- (4) By virtue of section 12(2) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8) regulations made by the Department pursuant to section 12(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.
- (5) 1954 c. 33 (N.I.).
- (6) S.R. 1985 No. 321, relevant amending Regulations are S.R. 2010 No.55

### **Modification of the 1985 Regulations**

2.—(1) Where this regulation applies, regulation 2(2) of the 1985 Regulations(7) has effect as if for “7 days” there were substituted “28 days”.

- (2) Regulation 2(1) applies in relation to a person who has a spell of incapacity for work which—
- (a) has commenced prior to the date on which these Regulations come into operation but which, on that date, has lasted for no longer than 7 days; or
  - (b) commences on any day during the inclusive period which—
    - (i) begins with the date on which these Regulations come into operation; and
    - (ii) ends at the end of 26th January 2022.

Sealed with the Official Seal of the Department for Communities on 16th December 2021

(L.S.)

*Anne McCleary*  
A senior officer of the Department for  
Communities

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

*Myrtle Lloyd*  
*Joanna Rowland*  
Two of the Commissioners of Her Majesty’s  
Revenue and Customs

16th December 2021

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(7) Regulation 2(2) was amended by regulation 2(3) of [S.R. 2010 No. 55](#)

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Regulation 2 of these Regulations amends the Statutory Sick Pay (Medical Evidence) Regulations Northern Ireland) 1985 to provide that an employee shall not be required to provide medical information in respect of the first 28 days of any spell of incapacity for work. Regulation 2(2) limits the application of this modification to spells of incapacity for work which either start during the period 17th December to 26th January or which commence prior to the Regulations coming into operation but which have not lasted more than 7 days on that date (and hence the requirement to provide medical evidence has not yet arisen).

These Regulations make, in relation to Northern Ireland, only provision corresponding to provision in regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

No regulatory impact assessment has been produced for these Regulations as it makes provision which is to have effect for a period of less than 12 months.