

## SCHEDULES

### SCHEDULE 12

Section 160.

#### RELATIONSHIP OF STATUTORY SICK PAY WITH BENEFITS AND OTHER PAYMENTS, ETC

##### *The general principle*

- 1 Any day which—
- (a) is a day of incapacity for work in relation to any contract of service; and
  - (b) falls within a period of entitlement (whether or not it is also a qualifying day),
- shall not be treated for the purposes of this Act as a day of incapacity for work for the purposes of determining whether a period is a period of interruption of employment.

##### *Contractual remuneration*

- 2 (1) Subject to sub-paragraphs (2) and (3) below, any entitlement to statutory sick pay shall not affect any right of an employee in relation to remuneration under any contract of service (“contractual remuneration”).
- (2) Subject to sub-paragraph (3) below—
- (a) any contractual remuneration paid to an employee by an employer of his in respect of a day of incapacity for work shall go towards discharging any liability of that employer to pay statutory sick pay to that employee in respect of that day; and
  - (b) any statutory sick pay paid by an employer to an employee of his in respect of a day of incapacity for work shall go towards discharging any liability of that employer to pay contractual remuneration to that employee in respect of that day.
- (3) Regulations may make provision as to payments which are, and those which are not, to be treated as contractual remuneration for the purposes of sub-paragraph (1) or (2) above.

##### *Sickness benefit*

- 3 (1) This paragraph applies in any case where—
- (a) a period of entitlement as between an employee and an employer of his comes to an end; and
  - (b) the first day immediately following the day on which the period of entitlement came to an end—
    - (i) is a day of incapacity for work in relation to that employee; and
    - (ii) is not prevented by paragraph 1 above from being treated as a day of incapacity for work for the purposes of determining whether a period is a period of interruption of employment.

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*Status: This is the original version (as it was originally enacted).*

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- (2) In a case to which this paragraph applies, the day of incapacity for work mentioned in sub-paragraph (1)(b) above shall, except in prescribed cases, be or as the case may be form part of a period of interruption of employment notwithstanding section 57(1)(d)(ii) above.
- (3) Where each of the first two consecutive days, or the first three consecutive days, following the day on which the period of entitlement came to an end is a day falling within sub-paragraphs (i) and (ii) of sub-paragraph (1)(b) above, sub-paragraph (2) above shall have effect in relation to the second day or, as the case may be, the second and third days, as it has effect in relation to the first day.
- (4) Any day which is, by virtue of section 57(1)(e) above to be disregarded in computing any period of consecutive days for the purposes of Part II of this Act shall be disregarded in determining, for the purposes of this paragraph, whether a day is the first day following the end of a period of entitlement or, as the case may be, the second or third consecutive such day.
- 4 (1) This paragraph applies in any case where—
- (a) a period of entitlement as between an employee and an employer of his comes to an end; and
  - (b) that employee has a day of incapacity for work which—
    - (i) is, or forms part of, a period of interruption of employment; and
    - (ii) falls within the period of 57 days immediately following the day on which the period of entitlement came to an end.
- (2) In a case to which this paragraph applies, section 31(4) above shall not apply in relation to a day of incapacity for work of a kind mentioned in sub-paragraph (1)(b) above or to any later day in the period of interruption of employment concerned.

*Invalidity pension for widows and widowers*

- 5 Paragraph 1 above does not apply for the purpose of determining whether the conditions specified in section 40(3) or 41(2) above are satisfied.

*Unemployability supplement*

- 6 Paragraph 1 above does not apply in relation to paragraph 3 of Schedule 7 to this Act and accordingly the references in paragraph 3 of that Schedule to a period of interruption of employment shall be construed as if the provisions re-enacted in this Part of this Act had not been enacted.