

1994 No. 103

STATUTORY SICK PAY

**The Statutory Sick Pay (Northern Ireland) Order 1994
(Consequential) Regulations (Northern Ireland) 1994**

Made 23rd March 1994

Coming into operation 6th April 1994

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 154(1)(a) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a), section 77(1) of the Social Security Administration (Northern Ireland) Act 1992(b) and Article 4 of the Statutory Sick Pay (Northern Ireland) Order 1994(c) and of all other powers enabling it in that behalf, by this statutory rule, which contains only regulations made consequential upon the Statutory Sick Pay (Northern Ireland) Order 1994, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Statutory Sick Pay (Northern Ireland) Order 1994 (Consequential) Regulations (Northern Ireland) 1994 and shall come into operation on 6th April 1994.

(2) In these regulations—

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

“the Order” means the Statutory Sick Pay (Northern Ireland) Order 1994;

“the Compensation of Employers Regulations” means the Statutory Sick Pay (Compensation of Employers) and Miscellaneous Provisions Regulations (Northern Ireland) 1983(d);

“the Recoupment Regulations” means the Social Security (Recoupment) Regulations (Northern Ireland) 1990(e).

(3) The Interpretation Act (Northern Ireland) 1954(f) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

(a) 1992 c. 7; section 154(1) is amended by Article 3(1) of the Statutory Sick Pay (Northern Ireland) Order 1994 (S.I. 1994/766 (N.I. 5)) with effect from 6th April 1994

(b) 1992 c. 8

(c) S.I. 1994/766 (N.I. 5)

(d) S.R. 1983 No. 54; relevant amending regulations are S.R. 1991 No. 138

(e) S.R. 1990 No. 85; relevant amending regulations are S.R. 1991 No. 138

(f) 1954 c. 33 (N.I.)

Amendment of the Compensation of Employers Regulations

2. In regulation 2(1) of the Compensation of Employers Regulations (deductions from contributions payments) “, and an amount equal to 80 per cent. of the aggregate of such of those payments as do not so qualify,” shall be omitted.

Amendment of the Recoupment Regulations

3. In regulation 2 of the Recoupment Regulations (relevant benefits) paragraphs 1(l) and (2A) shall be omitted.

Transitional provisions relating to the Compensation of Employers Regulations

4. The Compensation of Employers Regulations shall continue to have effect for the purpose of entitling an employer to recover an amount equal to 80 per cent. of the aggregate of any payments of statutory sick pay paid, (whether before or after 6th April 1994) which does not qualify for small employers' relief, in respect of any day of incapacity for work before 6th April 1994 as if Article 3 of the Order had not been enacted and regulation 2 had not come into operation.

Transitional provisions relating to the Recoupment Regulations

5. The Recoupment Regulations shall continue to have effect for the purpose of entitling the Department to recover—

- (a) an amount equal to any payment of statutory sick pay paid between 1st January 1989 and 5th April 1991; and
- (b) an amount equal to 80 per cent. of any payment of statutory sick pay paid between 6th April 1991 and 5th April 1994,

from compensation payments, as if Article 3(2) of the Order had not been enacted and regulation 3 had not come into operation.

Transitional provisions relating to statutory sick pay for women over the age of 60

6.—(1) Subject to paragraph (2), where a woman over the age of 60 has a period of incapacity for work in relation to her contract of service and that period of incapacity for work began before 6th April 1994 and had not come to an end before that date, a period of entitlement to statutory sick pay shall be deemed to arise subject to the provisions of section 149(3) of, and Schedule 11 to, the Contributions and Benefits Act, on the first day of incapacity arising on or after 6th April 1994.

(2) Where a woman over the age of 60 receives remuneration under a contract of service and such remuneration is equal to, or more than the appropriate rate of statutory sick pay as specified in section 153(1) of the Contributions and Benefits Act(a), no period of entitlement to statutory sick pay will arise.

(a) Section 153(1)(a) and (b) are substituted by Article 2 of S.R. 1994 No. 82 with effect from 6th April 1994

Revocation

7. Regulation 3 of the Statutory Sick Pay (Compensation of Employers) (Consequential) Regulations (Northern Ireland) 1991(a) is hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 23rd March 1994.

(L.S.)

W. G. Purdy

Assistant Secretary

(This note is not part of the Regulations.)

These regulations are consequential upon the Statutory Sick Pay (Northern Ireland) Order 1994 ("the Order").

The Order removes the right of employers, except where small employers' relief applies, to recover 80 per cent. of sums paid by them by way of statutory sick pay.

Regulation 2 amends regulation 2(1) of the Statutory Sick Pay (Compensation of Employers) and Miscellaneous Provisions Regulations (Northern Ireland) 1983 by removing reference to the recovery of 80 per cent. of statutory sick pay.

Regulation 3 amends regulation 2 of the Social Security (Recoupment) Regulations (Northern Ireland) 1990 so that the Department of Health and Social Services for Northern Ireland ("the Department") can no longer recover from compensation payments the sum equivalent to 80 per cent. of statutory sick pay which the employer was liable to make.

Regulation 4 enables an employer to recover or to be repaid (as the case may be) 80 per cent. of payments of statutory sick pay paid which do not qualify for small employers' relief, in respect of any day of incapacity for work before 6th April 1994.

Regulation 5 enables the Department to recover from compensation payments any statutory sick pay paid by the employer which is recoverable for days of incapacity for work before 6th April 1994.

Regulation 6 enables women over the age of 60 who have a period of incapacity for work running at 6th April 1994 to qualify for statutory sick pay, except where remuneration under their contract of service is payable at a rate equal to, or more than statutory sick pay.

Article 4 of the Order is one of the enabling provisions under which these regulations are made. It is brought into operation on 23rd March 1994 by virtue of Article 1(2) of the Order. Since these regulations are made before the end of a period of 6 months from the commencement of the said Article 4, they are accordingly exempt, by virtue of section 150(5)(b) of the Social Security Administration (Northern Ireland) Act 1992 (c. 8), from reference to the Social Security Advisory Committee.