

2005 No. 188

STATUTORY SICK PAY;

STATUTORY MATERNITY PAY

**The Statutory Sick Pay (General) and Statutory Maternity
Pay (General) (Amendment) Regulations
(Northern Ireland) 2005**

Made - - - - - 30th March 2005

Coming into operation in accordance with regulation 1(1)

The Department for Social Development, in exercise of the powers conferred by sections 107(1)(b), 122(5), 124(4) and 165(1) and (5) of the Social Security Administration (Northern Ireland) Act 1992(a), and now vested in it(b), and of all other powers enabling it in that behalf, with the concurrence of the Commissioners of Inland Revenue, by this statutory rule which contains only regulations made by virtue of, or consequential upon, section 10 of the National Insurance Contributions and Statutory Payments Act 2004(c), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Statutory Sick Pay (General) and Statutory Maternity Pay (General) (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation for the purposes of –

- (a) this regulation and regulations 2 and 3, on 6th April 2005; and
- (b) regulation 4 immediately before the coming into force of section 10(4) of the National Insurance Contributions and Statutory Payments Act 2004.

(2) The Interpretation Act (Northern Ireland) 1954(d) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Statutory Sick Pay (General) Regulations

2. After regulation 13 of the Statutory Sick Pay (General) Regulations (Northern Ireland) 1982(e) (records to be maintained by employers) there shall be inserted the following regulation –

(a) 1992 c. 8; section 107 was substituted by Article 56 of the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) and paragraph (1) was amended by paragraph 7 of Schedule 6 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4), sections 122(5) and 124(4) were inserted by section 10(2) and (3) respectively of the National Insurance Contributions and Statutory Payments Act 2004 (c. 3) and section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)

(b) See Article 8(b) of S.R. 1999 No. 481

(c) 2004 c. 3

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

(e) S.R. 1982 No. 263; relevant amending regulations are S.R. 1996 Nos. 108 and 569

“Production of employer’s records

13A.—(1) An authorised officer of the Commissioners of Inland Revenue may by notice require an employer to produce to him at the place of keeping such records as are in the employer’s possession or power and as (in the officer’s reasonable opinion) contain, or may contain, information relevant to satisfy him that statutory sick pay has been paid and is being paid in accordance with these regulations to employees or former employees who are entitled to it.

(2) A notice referred to in paragraph (1) shall be in writing and the employer shall produce the records referred to in that paragraph within 30 days after the date of such a notice.

(3) The production of records in pursuance of this regulation shall be without prejudice to any lien which a third party may have in respect of those records.

(4) References in this regulation to “records” means –

- (a) any wage sheet or deductions working sheet; or
- (b) any other document which relates to the calculation or payment of statutory sick pay to his employees or former employees,

whether kept in written form, electronically, or otherwise.

(5) In paragraph (1), “place of keeping” means such a place in Northern Ireland that an employer and an authorised officer may agree upon, or, in the absence of such agreement –

- (a) any place in Northern Ireland where records referred to in paragraph (1) are normally kept; or
- (b) if there is no such place, the employer’s principal place of business in Northern Ireland.”.

Amendment of the Statutory Maternity Pay (General) Regulations

3. After regulation 26 of the Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987(a) (records to be maintained by employers) there shall be inserted the following regulation –

“Production of employer’s records

26A.—(1) An authorised officer of the Commissioners of Inland Revenue may by notice require an employer to produce to him at the place of keeping such records as are in the employer’s possession or power and as (in the officer’s reasonable opinion) contain, or may contain, information relevant to satisfy him that statutory maternity pay has been paid and is being paid in accordance with these regulations to employees or former employees who are entitled to it.

(2) A notice referred to in paragraph (1) shall be in writing and the employer shall produce the records referred to in that paragraph within 30 days after the date of such a notice.

(3) The production of records in pursuance of this regulation shall be without prejudice to any lien which a third party may have in respect of those records.

(4) References in this regulation to “records” means –

- (a) any wage sheet or deductions working sheet; or
- (b) any other document which relates to the calculation or payment of statutory maternity pay to his employees or former employees,

whether kept in written form, electronically, or otherwise.

(5) In paragraph (1), “place of keeping” means such place in Northern Ireland that an employer and an authorised officer may agree upon, or, in the absence of such agreement –

(a) S.R. 1987 No. 30, to which there are amendments not relevant to these regulations

- (a) any place in Northern Ireland where records referred to in paragraph (1) are normally kept; or
- (b) if there is no such place, the employer's principal place of business in Northern Ireland."

Revocations

4. Regulation 22 of the Statutory Sick Pay (General) Regulations (Northern Ireland) 1982, regulation 32 of the Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987 and the Statutory Maternity Pay (General) and Statutory Sick Pay (General) (Amendment) Regulations (Northern Ireland) 2001(a) are hereby revoked.

Sealed with the Official Seal of the Department for Social Development on 30th March 2005.

(L.S.)

John O'Neill

A senior officer of the Department for Social Development

The Commissioners of Inland Revenue hereby concur.

1st April 2005

David Varney

Dave Hartnett

Two of the Commissioners of Inland Revenue

(a) S.R. 2001 No. 36

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Statutory Sick Pay (General) Regulations (Northern Ireland) 1982 (“the Statutory Sick Pay Regulations”) and the Statutory Maternity Pay (General) Regulations (Northern Ireland) 1987 (“the Statutory Maternity Pay Regulations”).

Regulation 2 inserts a new regulation 13A into the Statutory Sick Pay Regulations which requires employers to produce records relating to statutory sick pay to an authorised officer of the Inland Revenue within 30 days of a notice being issued to that effect. The new regulation also specifies the types of documents that must be produced, where production must take place and that production does not affect any lien over the records.

Regulation 3 inserts a new regulation 26A into the Statutory Maternity Pay Regulations to make similar provision in relation to statutory maternity pay.

Regulation 4 makes consequential revocations.

Sections 122(5) and 124(4) of the Social Security Administration (Northern Ireland) Act 1992, under which these Regulations are made, were inserted by section 10(2) and (3) of the National Insurance Contributions and Statutory Payments Act 2004 and were brought into operation on 1st January 2005 by virtue of article 3(b) of the National Insurance Contributions and Statutory Payments Act 2004 (Commencement) Order 2004 (S.I. 2004/1943 (C. 85)). As these Regulations are made before the end of the period of 6 months from the commencement of those provisions, they are, accordingly, exempt, by virtue of section 150(5)(b) of the Social Security Administration (Northern Ireland) Act 1992, from reference to the Social Security Advisory Committee.

These Regulations do not impose a charge on business.

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