
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations suspend the limitation, set out in section 151(1) of the Social Security Contributions and Benefits Act (Northern Ireland) 1992, that Statutory Sick Pay is not payable for the first three qualifying days in a period of entitlement. They also amend the Statutory Sick Pay (General) Regulations (Northern Ireland) 1982 (“the 1982 Regulations”) to specify when a person is isolating by reason of coronavirus is deemed to be incapable of work.

Statutory sick pay is not payable for the first three qualifying days of a period of entitlement to statutory sick pay. These days are known as “waiting days”. Regulation 3 disapplies the waiting days where an employee is incapable of doing the work the employee can reasonably be expected to do under the employee’s contract of service, or where the employee is deemed to be incapable, because of coronavirus. This applies retrospectively from 13th March 2020.

Regulation 3 amends the 1982 Regulations. It inserts a Schedule into those Regulations which specifies when a person is deemed to be incapable of work because the person is staying at home. This includes persons with symptoms of coronavirus staying at home for 7 days and persons living in the household of a person with symptoms of coronavirus staying at home for 14 days.

Regulations 4 and 5 omit the provision that previous Regulations amending the 1982 Regulations will expire after 8 months. The Secretary of State will keep the provisions under review in line with corresponding provision in the Coronavirus Act 2020.

These Regulations make in relation to Northern Ireland only provision correspond to provisions 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 in view of the urgency required to provide additional financial support to those unable to work as a result of coronavirus.