

**2020 No. 54**

**SOCIAL SECURITY**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations (Northern Ireland) 2020**

*Made* - - - - at 11.50 a.m. on 27th March 2020

*Laid* at 4.00 p.m. on 27th March 2020

*Coming into operation* - 28th March 2020

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 147(4) and (4A), 159(1) and 171(1) and (3) to (5A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and section 43(1) to (4) of the Coronavirus Act 2020(b).

Those powers are exercisable by the Secretary of State by virtue of Article 4(1) of the Welfare Reform (Northern Ireland) Order 2015(c).

**Citation and commencement**

1. These Regulations may be cited as the Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations (Northern Ireland) 2020 and come into operation on 28th March 2020.

**Suspension of waiting days**

2.—(1) Section 151(1) (limitations on entitlement) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (the 1992 Act) does not apply in relation to an employee where—

- (a) that employee's period of incapacity for work is related to coronavirus; and
- (b) the first day of incapacity for work in that period arose on or after 13th March 2020.

(2) Paragraph (1) applies in relation to a day of incapacity for work that falls on or after 13<sup>th</sup> March 2020.

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(a) 1992 c. 7. Section 147(4) was amended by SR.1994/1898. Section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21). Section 147(4A) and section 171(5A) were inserted by section 44 of the Coronavirus Act 2020 (c.7)

(b) 2020 c.7

(c) Article 4(1) was amended by Article 4(2)(a) of the Welfare Reform and Work (Northern Ireland) Order 2016 (S.I.2016/999 (N.I. 1))

(3) In this regulation—

- (a) “period of incapacity for work” has the meaning given by section 148 of the 1992 Act;
- (b) a period of incapacity for work is related to coronavirus if the employee is—
  - (i) incapable by reason of infection or contamination with coronavirus, or
  - (ii) deemed, in accordance with regulation 2(1)(c) of the Statutory Sick Pay (General) Regulations (Northern Ireland) 1982<sup>(a)</sup> to be incapable by reason of coronavirus, of doing work which the employee can reasonably be expected to do under the employee’s contract of service.

(4) The reference to 2(1)(c) in paragraph (3)(b) above is a reference to the regulation which was in force on the first day of incapacity for work in question.

#### **Amendment of the Statutory Sick Pay (General) Regulations (Northern Ireland) 1982**

**3.**—(1) The Statutory Sick Pay (General) Regulations (Northern Ireland) 1982 are amended as follows.

(2) In regulation 2(1)(c)(i) (persons deemed incapable of work) for the words starting with “guidance published by” to the end of paragraph (i) substitute “the Schedule”.

(3) After regulation 21A insert the Schedule set out in the Schedule to these Regulations.

#### **Amendment of the Statutory Sick Pay (General) (Coronavirus Amendment) Regulations (Northern Ireland) 2020**

**4.** Omit regulation 3 (expiry) of the Statutory Sick Pay (General) (Coronavirus Amendment) Regulations (Northern Ireland) 2020<sup>(b)</sup>.

#### **Amendment of the Statutory Sick Pay (General) (Coronavirus Amendment) (No.2) Regulations (Northern Ireland) 2020**

**5.** Omit regulation 3 (expiry) of the Statutory Sick Pay (General) (Coronavirus Amendment) (No.2) Regulations (Northern Ireland) 2020<sup>(c)</sup>.

At 11.50 a.m. on 27th March 2020

*Thérèse Coffey*  
Secretary of State  
Department for Work and Pensions

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(a) S.R. 1982 No. 263. Regulation 2(1)(c) was inserted by regulation 2(2)(c) of S.R. 2020 No. 32 and amended by regulation 2(2)(b) of S.R. 2020 No. 37  
(b) S.R.2020 No.32  
(c) S.R.2020 No.37

## SCHEDULE

Regulation 3(3)

### SCHEDULE TO BE INSERTED IN THE STATUTORY SICK PAY (GENERAL) REGULATIONS (NORTHERN IRELAND) 1982

#### “SCHEDULE

Regulation 2(1)

#### ISOLATION DUE TO CORONAVIRUS

1. A person is isolating himself from other people in such manner as to prevent infection or contamination with coronavirus in accordance with this Schedule if he is doing so pursuant to paragraphs 2 to 5.
2. The person has symptoms of coronavirus, however mild, and is staying at home for 7 days, beginning with the day (“day 1”) the symptoms started.
3. The person lives with someone who is isolating himself in accordance with paragraph 2, and that person is staying at home for 14 days, beginning with day 1.
4. The person is staying at home under paragraph 3 and develops the symptoms of coronavirus, however mild, and is staying at home for 7 days, beginning with the day the symptoms started.
5. Where the person is staying at home pursuant to paragraph 4, paragraph 3 no longer applies to that person.
6. In this Schedule—
  - “Chief Medical Officer” means the Chief Medical Officer for Northern Ireland and Deputy Chief Medical Officer is to be construed accordingly.
  - “symptoms of coronavirus” means the recent onset of—
    - (a) a continuous cough;
    - (b) a high temperature;
    - (c) both a continuous cough and a high temperature; or
    - (d) any other symptoms of coronavirus as may be specified by the Chief Medical Officer or the Deputy Chief Medical Officer in guidance as amended from time to time.”

#### 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.

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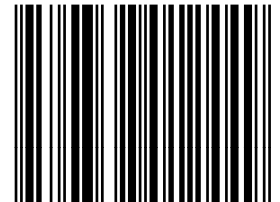
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