



Social Security and Housing Benefits Act 1982

1982 CHAPTER 24

PART I

STATUTORY SICK PAY

Miscellaneous

22 Modification of provisions of Part I.

- (1) The Secretary of State may make regulations modifying provisions of this Part, in such manner as he thinks proper, in their application to any person who is, has been or is to be—
 - (a) employed on board any ship, vessel, hovercraft or aircraft;
 - (b) outside Great Britain at any prescribed time or in any prescribed circumstances; or
 - (c) in prescribed employment in connection with continental shelf operations.
- (2) Regulations under subsection (1) above may in particular provide—
 - (a) for any provision of this Part to apply to any such person, notwithstanding that it would not otherwise apply;
 - (b) for any provision of this Part not to apply to any such person, notwithstanding that it would otherwise apply;
 - (c) for excepting any such person from the application of any such provision where he neither is domiciled nor has a place of residence in any part of Great Britain;
 - (d) for the taking of evidence, for the purposes of the determination of any question arising under this Part, in a country or territory outside Great Britain, by a British consular official or such other person as may be prescribed.
- (3) “Continental shelf operations” means ^{F1}any activities which, if paragraphs (a) and (d) of subsection (6) of section 23 of the ^{M1}Oil and Gas (Enterprise) Act 1982 (application

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of civil law to certain offshore activities) were omitted, would nevertheless fall within subsection (2) of that section.]

Textual Amendments

F1 Words substituted [Oil and Gas \(Enterprise\) Act 1982 \(c. 23\)](#), s. 38(2), **Sch. 3 para. 44**.

Marginal Citations

M1 [1982 c. 23](#).

23 Statutory sick pay to count as remuneration for principal Act.

For the purposes of section 3 of the principal Act (meaning of “earnings”), any sums paid to, or for the benefit of, a person in satisfaction (whether in whole or in part) of any entitlement of his to statutory sick pay shall be treated as remuneration derived from an employed earner’s employment.

[^{F2}23A Deductions from statutory sick pay.

- (1) It is hereby declared for the avoidance of doubt that an agreement between an employer and an employee authorising any deductions from any statutory sick pay which the employer is liable to pay the employee in respect of any period shall not be void by reason only of section 1(2)(a) of this Act if the employer—
 - (a) is authorised by that or another agreement to make the same deductions from any contractual remuneration which he is liable to pay in respect of the same period; or
 - (b) would be so authorised if he were liable to pay contractual remuneration in respect of that period.

(2) ^{F3}]

Textual Amendments

F2 S. 23A inserted by [Health and Social Security Act 1984 \(c. 48, SIF 113:1\)](#), s. 21, **Sch. 7 para. 8**

F3 S. 23A(2) repealed by [Wages Act 1986 \(c. 48, SIF 43:2\)](#), s. 32(2), **Sch. 5 Pt. III**

Modifications etc. (not altering text)

C1 S. 23A extended with modifications by [Social Security Act 1986 \(c. 50, SIF 113:1\)](#), s. 46(6)

24 ^{F4}

Textual Amendments

F4 S. 24 repealed by [Social Security Act 1985 \(c. 53, SIF 113:1\)](#), ss. 21, 29(2), **Sch. 4 para. 5(a)**, Sch. 6

25 ^{F5}

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Textual Amendments

F5 S. 25 repealed by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(2), **Sch. 11**

26 Interpretation of Part I and supplementary provisions.

(1) In this Part—

“Commissioner” means a Social Security Commissioner and includes a tribunal of Commissioners constituted under section 116 of the principal Act;

“contract of service” (except in paragraph (a) of the definition below of “employee”) includes any arrangement providing for the terms of appointment of an employee;

“employed earner’s employment” has the same meaning as in the principal Act;

“employee” means a person who is—

- (a) gainfully employed in Great Britain either under a contract of service or in an office (including elective office) with emoluments chargeable to income tax under Schedule E; and
- (b) over the age of 16;

but subject to regulations, which may provide for cases where any such person is not to be treated as an employee for the purposes of this Part and for cases where any person who would not otherwise be an employee for those purposes is to be treated as an employee for those purposes;

[^{F6}“employer”, in relation to an employee and a contract of service of his, means a person who under section 4 of the principal Act (liability to pay Class 1 contributions) is, or but for subsection (2)(b) of that section (exclusion of liability where earnings are below lower earnings limit) would be, liable to pay secondary Class 1 contributions in relation to any earnings (within the meaning of that Act) of the employee under the contract;]

.....^{F7}
“local office” means any office appointed by the Secretary of State as a local office for the purposes of this Part;

.....^{F7}
“maternity allowance” means an allowance payable under section 22 of the principal Act;

“pensionable age” means, in the case of a man, 65 or, in the case of a woman, 60;

“period of entitlement” has the meaning given by section 3 of this Act;

“period of incapacity for work” has the meaning given by section 2 of this Act;

“period of interruption of employment” has the same meaning as it has in the principal Act by virtue of section 17(1)(d);

“prescribed” means prescribed by regulations;

“primary Class 1 contributions” and “secondary Class 1 contributions” have the same meaning as in the principal Act;

“qualifying day” has the meaning given by section 4 of this Act;

“week” means any period of seven days.

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- (2) For the purposes of this Part an employee's normal weekly earnings shall, subject to subsection (4) below, be taken to be [^{F8}the average weekly earnings which in the relevant period have been paid to him or paid for his benefit] under his contract of service with the employer in question.
- (3) For the purposes of subsection (2) above, the expressions "earnings" and "relevant period" shall have the meaning given to them by regulations.
- (4) In such cases as may be prescribed an employee's normal weekly earnings shall be calculated in accordance with regulations.
- (5) Without prejudice to any other power to make regulations under this Part, regulations may specify cases in which, for the purposes of this Part or of such provisions of this Part as may be prescribed—
- (a) two or more employers are to be treated as one;
 - (b) two or more contracts of service in respect of which the same person is an employee are to be treated as one.
- [(5A) Where, in consequence of the establishment of one or more National Health Service trusts under Part I of the ^{M2}National Health Service and Community Care Act 1990 or the National Health Service (Scotland) Act 1978, a person's contract of employment is treated by a scheme under that Part or Act as divided so as to constitute two or more contracts, regulations may make provision enabling him to elect for all of those contracts to be treated as one contract for the purposes of this Part of this Act or of such provisions of this Part of this Act as may be prescribed; and any such regulations may prescribe—
- (a) the conditions that must be satisfied if a person is to be entitled to make such an election;
 - (b) the manner in which, and the time within which, such an election is to be made;
 - (c) the persons to whom, and the manner in which, notice of such an election is to be given;
 - (d) the information which a person who makes such an election is to provide, and the persons to whom, and the time within which, he is to provide it;
 - (e) the time for which such an election is to have effect;
 - (f) which one of the person's employers under the two or more contracts is to be regarded for the purposes of statutory sick pay as his employer under the one contract;
- and the powers conferred by this subsection are without prejudice to any other power to make regulations under this Part of this Act.]
- (6) Regulations may provide for periods of work which begin on one day and finish on the following day to be treated, for purposes of this Part, as falling solely within one or other of those days.
- (7) In this Part any reference to Great Britain includes a reference to the territorial waters of the United Kingdom adjacent to Great Britain.

Textual Amendments

- F6** Definition substituted by [Social Security Act 1985 \(c. 53, SIF 113:1\)](#), s. 21, [Sch. 4 para. 6\(1\)\(2\)](#)
- F7** Definition repealed by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), s. 30(1), [Sch. 10 Pt. I](#)

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F8 Words substituted by [Social Security Act 1985 \(c. 53, SIF 113:1\)](#), s. 21, [Sch. 4 para. 7](#)

Marginal Citations

M2 [1990 c. 19\(113:2\)](#)

27 Crown employment.

(1) Subject to subsection (2) below, the provisions of this Part apply in relation to persons employed by or under the Crown as they apply in relation to persons employed otherwise than by or under the Crown.

(2) The provisions of this Part do not apply in relation to persons serving as members of Her Majesty's forces, in their capacity as such.

[^{F9}(3) For the purposes of this section Her Majesty's forces shall be taken to consist of such establishments and organisations as may be prescribed, being establishments and organisations in which persons serve under the control of the Defence Council.]

Textual Amendments

F9 [S. 27\(3\)](#) inserted by [Social Security Act 1989 \(c. 24, SIF 113:1\)](#), s. 26, [Sch. 7 para. 23](#)

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