



Statutory Sick Pay Act 1991

1991 CHAPTER 3

1 Reduction in the amounts recoverable by employers who have paid statutory sick pay

- (1) In section 9 of the Social Security and Housing Benefits Act 1982 (recovery by employers of amounts paid by way of statutory sick pay) in subsection (1)—
- (a) in paragraph (a) (which requires regulations to make provision entitling an employer who has made a payment of statutory sick pay to recover the amount so paid by making deductions from his contributions payments) for the words from “a payment” to “by making” there shall be substituted the words
- “one or more payments of statutory sick pay in a prescribed period to recover an amount equal to the sum of—
- (i) the aggregate of such of those payments as qualify for small employers' relief, and
- (ii) an amount equal to 80 per cent. of the aggregate of such of those payments as do not so qualify,
- by making”; and
- (b) in paragraph (b) (which requires regulations to provide for payments to be made by the Secretary of State to employers who are unable to recover by such deductions the whole or any part of any payments of statutory sick pay which they have made) for the words “any payments of statutory sick pay which they have made” there shall be substituted the words “the amounts which they are entitled to recover by virtue of paragraph (a) above.”
- (2) Subsection (1A) of that section (which requires regulations to give an employer who has paid statutory sick pay a right to an amount determined by reference to certain secondary Class 1 contributions paid) shall cease to have effect.
- (3) In subsection (3) of that section (provision that may be made by regulations) after paragraph (b) there shall be added the words “and
- (c) provide for the rounding up or down of any fraction of a penny which would otherwise result from calculating the amount which an employer is entitled to recover for any period by virtue of subsection (1)(a) above.”

Status: This is the original version (as it was originally enacted).

- (4) In consequence of subsection (1) above, in section 1(4A) of the Social Security Act 1975 (which provides for payments to be made out of money provided by Parliament into the National Insurance Fund in each financial year of an amount equal to the estimated aggregate of all statutory sick pay and statutory maternity pay paid by employers and others in that year) for the words “paid by employers and others in that year” there shall be substituted the words “recovered by employers and others in that year”.
- (5) In section 22 of the Social Security Act 1989 (recovery of sums equivalent to benefit from compensation payments) in the definition of “benefit” in subsection (3), the words “subject to regulations under subsection (3A) below” shall be inserted after the word “and”, and after that subsection there shall be inserted—
- “(3A) If statutory sick pay is prescribed as a relevant benefit, the amount of that benefit for the purposes of this section shall be a reduced amount determined in accordance with regulations by reference to the percentage from time to time specified in section 9(1)(a) of the 1982 Act (percentage of statutory sick pay recoverable by employers by deduction from contributions).”