

Status: Point in time view as at 01/10/1992. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: Social Security Contributions and Benefits (Northern Ireland) Act 1992, SCHEDULE 11 is up to date with all changes known to be in force on or before 15 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 11

Section 149(3).

CIRCUMSTANCES IN WHICH PERIODS OF ENTITLEMENT TO STATUTORY SICK PAY DO NOT ARISE

- 1 A period of entitlement does not arise in relation to a particular period of incapacity for work in any of the circumstances set out in paragraph 2 below or in such other circumstances as may be prescribed.

VALID FROM 24/03/1999

[^{F1}1A Regulations under paragraph 1 above must be made with the concurrence of the Treasury.]

Textual Amendments

- F1** Sch. 11 para. 1A inserted (24.3.1999 for specified purposes and 1.4.1999 otherwise) by S.I. 1999/671, arts. 1(2)(b), 3(1), Sch. 1 para. 23 (with savings and transitional provisions in Sch. 7); S.R. 1999/149, art. 2(c), Sch. 2 (subject to arts. 3-6)

- 2 The circumstances are that—
- (a) at the relevant date the employee is over pensionable age;
 - (b) the employee's contract of service was entered into for a specified period of not more than three months;
 - (c) at the relevant date the employee's normal weekly earnings are less than the lower earnings limit then in force under section 5(1)(a) above;
 - (d) the employee had—
 - (i) in the period of 57 days ending immediately before the relevant date, at least one day which formed part of a period of interruption of employment; and
 - (ii) at any time during that period of interruption of employment, an invalidity pension day (whether or not the day referred to in paragraph (i) above);
 - (e) in the period of 57 days ending immediately before the relevant date the employee had at least one day on which—
 - (i) he was entitled to sickness benefit (or on which he would have been so entitled if he had satisfied the contribution conditions for sickness benefit mentioned in section 31(2)(a) above), or
 - (ii) she was entitled to a maternity allowance;
 - (f) the employee has done no work for his employer under his contract of service;

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- (g) on the relevant date there is, within the meaning of section 27 above, a stoppage of work due to a trade dispute at the employee's place of employment;
 - (h) the employee is, or has been, pregnant and the relevant date falls within the disqualifying period (within the meaning of section 149(12) above).
- 3 In this Schedule "relevant date" means the date on which a period of entitlement would begin in accordance with section 149 above if this Schedule did not prevent it arising.
- 4 (1) Paragraph 2(b) above does not apply in any case where—
- (a) at the relevant date the contract of service has become a contract for a period exceeding three months; or
 - (b) the contract of service (the "current contract") was preceded by a contract of service entered into by the employee with the same employer (the "previous contract") and—
 - (i) the interval between the date on which the previous contract ceased to have effect and that on which the current contract came into effect was not more than 8 weeks; and
 - (ii) the aggregate of the period for which the previous contract had effect and the period specified in the current contract (or, where that period has been extended, the specified period as so extended) exceeds 13 weeks.
- (2) For the purposes of sub-paragraph (1)(b)(ii) above, in any case where the employee entered into more than one contract of service with the same employer before the current contract, any of those contracts which came into effect not more than 8 weeks after the date on which an earlier one of them ceased to have effect shall be treated as one with the earlier contract.
- 5 (1) In paragraph 2(d) above "invalidity pension day" means a day—
- (a) for which the employee in question was entitled to an invalidity pension, a non-contributory invalidity pension (under section 36 of the 1975 Act) or a severe disablement allowance; or
 - (b) for which he was not so entitled but which was the last day of the invalidity pension qualifying period.
- (2) In sub-paragraph (1)(b) above the "invalidity pension qualifying period" means the period mentioned in section 33(1) or, as the case may be, 40(3) or 41(2) above as falling within the period of interruption of employment referred to in whichever of those provisions is applicable.
- 6 For the purposes of paragraph 2(f) above, if an employee enters into a contract of service which is to take effect not more than 8 weeks after the date on which a previous contract of service entered into by him with the same employer ceased to have effect, the two contracts shall be treated as one.
- 7 Paragraph 2(g) above does not apply in the case of an employee who proves that at no time on or before the relevant date did he have a direct interest in the trade dispute in question.

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- 8 Paragraph 2(h) above does not apply in relation to an employee who has been pregnant if her pregnancy terminated, before the beginning of the disqualifying period, otherwise than by confinement (as defined for the purposes of statutory maternity pay in section 167(1) above).

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