

EXPLANATORY NOTE

These Regulations make miscellaneous provisions about statutory sick pay under Part I of the Social Security and Housing Benefits Act 1982.

Regulation 2 sets out circumstances in which a person who is not incapable of work which he can reasonably be expected to do under a contract of service may be deemed to be so incapable.

Regulation 3 provides that an existing period of entitlement shall end with a day on which an employee is detained in legal custody or awarded a sentence (other than a suspended sentence) of imprisonment, and that no period of entitlement shall arise on a day on which an employee is in legal custody.

Regulation 4 provides that where an employee's contract of service is brought to an end solely or mainly to avoid liability for statutory sick pay, the employer is to be liable to pay statutory sick pay until the period of entitlement would have ended for some other reason, as provided by section 3 of the Act or by regulation 3.

Regulation 5 makes provision for the days of the week which are to be "qualifying days" for the purposes of section 4 in a case where the qualifying days have not been agreed between an employer and employee.

Regulation 6 sets out the method of calculating the "entitlement limit" for the purposes of section 5 in a case where an employee's entitlement to statutory sick pay is calculated by reference to different weekly rates in the same tax year or period of entitlement.

Regulation 7 prescribes the manner in which, and the time within which, notice of any day of incapacity for work is to be given by or on behalf of an employee to his employer.

Regulation 8 provides that statutory sick pay may not be paid in kind or by way of the provision of board or lodging or of services or other facilities.

Regulation 9 provides that, in general, where the liability to pay an amount of statutory sick pay has been the subject of adjudication, it must be paid on the first pay day (or, where that is impracticable, the second) after the day when the time for bringing an appeal expires, or (as the case may be) the day on which the employer is notified of the result of an appeal, or is notified (where there is no further opportunity to apply for leave) that leave to appeal is refused.

Regulation 10 enables the Secretary of State in certain circumstances to appoint a person to act, in connection with statutory sick pay, on behalf of an employee who is unable to act for himself, and also provides for the termination of such an appointment.

Regulation 11 provides for the rounding up, to the next whole number of pence, of any payment of statutory sick pay, where the amount of statutory sick pay for the relevant period includes a fraction of a penny.

Regulation 12 provides for a case where a day is not to be, or to form part of, a period of interruption of employment under paragraph 3 of Schedule 2 to the Act.

Regulation 13 specifies the matters of which employers are required to keep records, and provides that they must be kept for 3 years after the tax year to which they relate.

Regulation 14 provides that the period within which information required for purposes of adjudication must be given to the Secretary of State is 10 days from receipt of notification that the information is required.

Regulation 15 makes provision about the information that is to be provided by employers to employees, and the time within which it is to be provided.

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Regulations 16, 17 and 18 make provision about persons who are, or are not, to be treated as “employees”, and remuneration that is, or is not, to be treated as “earnings” and “contractual remuneration”, for the purposes of Part I of the Act.

Regulation 19 provides how “normal weekly earnings” are to be calculated.

Regulations 20 and 21 specify the cases in which 2 or more employers or contracts of service are to be treated as one.

Regulation 22 sets out the penalties for contraventions of regulations 9, 13, 14 and 15.

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