
STATUTORY INSTRUMENTS

1982 No. 894

The Statutory Sick Pay (General) Regulations 1982

Meaning of “employee”

16.—(1) [^{F1}Subject to paragraph (1ZA),] in a case where, and in so far as, a person ^{F2}... is treated as an employed earner by virtue of the Social Security (Categorisation of Earners) Regulations 1978(1), he shall be treated as an employee for the purposes of Part I and in a case where, and in so far as, such a person is treated otherwise than as an employed earner by virtue of those regulations, he shall not be treated as an employee for the purposes of Part I.

[^{F3}(1ZA) Paragraph (1) shall have effect in relation to a person who—

- (a) is under the age of 16; and
- (b) would or, as the case may be, would not have been treated as an employed earner by virtue of the Social Security (Categorisation of Earners) Regulations 1978 had he been over that age,

as it has effect in relation to a person who is or, as the case may be, is not so treated.]

[^{F4}(1A) Any person who is employed earner's employment within the meaning of the Social Security Act 1975 under a contract of apprenticeship shall be treated as an employee for the purposes of Part 1.]

(2) A person who is in employed earner's employment within the meaning of the Social Security Act 1975 but whose employer—

- (a) does not fulfil the conditions prescribed in regulation 119(1)(b) of the Social Security (Contributions) Regulations 1979(2) as to residence or presence in Great Britain, or
- (b) is a person who, by reason of any international treaty to which the United Kingdom is a party or of any international convention binding the United Kingdom—
 - (i) is exempt from the provisions of the Social Security Act 1975, or
 - (ii) is a person against whom the provisions of that Act are not enforceable,

shall not be treated as an employee for the purposes of Part I.

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| F1 | Words in reg. 16(1) inserted (1.10.2006) by The Employment Equality (Age) Regulations 2006 (S.I. 2006/1031) , reg. 1(1), Sch. 8 para. 50(2)(a) |
| F2 | Words in reg. 16(1) omitted (1.10.2006) by virtue of The Employment Equality (Age) Regulations 2006 (S.I. 2006/1031) , reg. 1(1), Sch. 8 para. 50(2)(b) |
| F3 | Reg. 16(1ZA) substituted (6.4.2007) by The Employment Equality (Age) (Consequential Amendments) Regulations 2007 (S.I. 2007/825) , regs. 1, 5(3) |
| F4 | Reg. 16(1A) inserted (6.4.1983) by The Statutory Sick Pay (Compensation of Employers) and Miscellaneous Provisions Regulations 1983 (S.I. 1983/376) , reg. 5(2) |

(1) amended by S.I. 1980/1713.

(2) to which there are amendments not relevant to these regulations.

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