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STATUTORY INSTRUMENTS

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**1982 No. 894**

**The Statutory Sick Pay (General) Regulations 1982**

**Meaning of “earnings”**

17.—<sup>F1</sup>(1) .....

<sup>F2</sup>(2) For the purposes of section 163(2) of the Contributions and Benefits Act, the expression “earnings” refers to gross earnings and includes any remuneration or profit derived from a person’s employment except any payment or amount which is—

- (a) excluded [<sup>F3</sup>or disregarded in the calculation of a person’s earnings under regulation 25, 27 or 123 of, or Schedule 3 to, the Social Security (Contributions) Regulations 2001][<sup>F4</sup>(or would have been so excluded had he not been under the age of 16)];
- (b) a chargeable emolument under section 10A of the Social Security Contributions and Benefits Act 1992, except where, in consequence of such a chargeable emolument being excluded from earnings, a person would not be entitled to statutory sick pay [<sup>F4</sup>(or where such a payment or amount would have been so excluded and in consequence he would not have been entitled to statutory sick pay had he not been under the age of 16)].]

<sup>F5</sup>(2A) .....

(3) For the purposes of [<sup>F6</sup>section 163(2) of the Contributions and Benefits Act] the expression “earnings” includes also—

- [<sup>F7</sup>(za) any amount retrospectively treated as earnings by regulations made by virtue of section 4B(2) of the Contributions and Benefits Act;]
- (a) any sum payable by way of maternity pay or payable by the Secretary of State in pursuance of section 40 of the Employment Protection (Consolidation) Act 1978 in respect of maternity pay;
- (b) any sum which is payable by the Secretary of State by virtue of section 22(3)(a) of that Act in respect of arrears of pay and which by virtue of section 42(1) of that Act is to go towards discharging a liability to pay maternity pay;
- (c) any sum payable in respect of arrears of pay in pursuance of an order for re-instatement or re-engagement under that Act;
- (d) any sum payable by way of pay in pursuance of an order under that Act for the continuation of a contract of employment;
- (e) any sum payable by way of remuneration in pursuance of a protective award under the Employment Protection Act 1975;
- (f) any sum payable to any employee under the Temporary Short-time Working Compensation Scheme administered under powers conferred by the Employment Subsidies Act 1978;
- (g) any sum paid in satisfaction of any entitlement to statutory sick pay.
- [<sup>F8</sup>(h) any sum payable by way of statutory maternity pay under Part V of the Social Security Act 1986, including sums payable in accordance with regulations made under section 46(8) (b) of that Act.]

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- [<sup>F9</sup>(i) any sum payable by way of statutory paternity pay, including any sums payable in accordance with regulations made under section 171ZD(3) of the Contributions and Benefits Act;
- (j) any sum payable by way of statutory adoption pay, including any sums payable in accordance with regulations made under section 171ZM(3) of the Contributions and Benefits Act<sup>F10</sup>;]
- [<sup>F11</sup>(k) any sum payable by way of statutory shared parental pay, including any sums payable in accordance with regulations made under section 171ZX(3) of the Contributions and Benefits Act<sup>F12</sup>;
- [ any sum payable by way of statutory parental bereavement pay, including any <sup>F12</sup>(l) sums payable in accordance with regulations made under section 171ZZ8(3) of the Contributions and Benefits Act]
- <sup>F13</sup>(4) .....
- <sup>F14</sup>(5) .....]

**Textual Amendments**

- F1** Reg. 17(1) omitted (16.11.1992) by virtue of [The Social Security \(Miscellaneous Provisions\) Amendment \(No. 2\) Regulations 1992 \(S.I. 1992/2595\)](#), regs. 1, **15(2)**
- F2** Reg. 17(2) substituted (6.4.1999) by [The Social Security Contributions, Statutory Maternity Pay and Statutory Sick Pay \(Miscellaneous Amendments\) Regulations 1999 \(S.I. 1999/567\)](#), regs. 1(1)(b), **13**
- F3** Words in reg. 17(2)(a) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security, Occupational Pension Schemes and Statutory Payments \(Consequential Provisions\) Regulations 2007 \(S.I. 2007/1154\)](#), regs. 1(1), **5(2)**
- F4** Words in reg. 17(2)(a)(b) inserted (1.10.2006) by [The Employment Equality \(Age\) Regulations 2006 \(S.I. 2006/1031\)](#), reg. 1(1), **Sch. 8 para. 51(2)**
- F5** Reg. 17(2A) omitted (16.11.1992) by virtue of [The Social Security \(Miscellaneous Provisions\) Amendment \(No. 2\) Regulations 1992 \(S.I. 1992/2595\)](#), regs. 1, **15(4)**
- F6** Words in reg. 17(3) substituted (24.11.2002) by [The Social Security, Statutory Maternity Pay and Statutory Sick Pay \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/2690\)](#), regs. 1(1)(a), **14(a)**
- F7** Reg. 17(3)(za) inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Social Security, Occupational Pension Schemes and Statutory Payments \(Consequential Provisions\) Regulations 2007 \(S.I. 2007/1154\)](#), regs. 1(1), **5(3)**
- F8** Reg. 17(3)(h) added (7.6.1987) by [The Statutory Sick Pay \(General\) Amendment \(No.2\) Regulations 1987 \(S.I. 1987/868\)](#), regs. 1(1), **4(b)**
- F9** Reg. 17(3)(i)(j) added (8.12.2002) by [The Social Security, Statutory Maternity Pay and Statutory Sick Pay \(Miscellaneous Amendments\) Regulations 2002 \(S.I. 2002/2690\)](#), regs. 1(1)(c), **14(b)**
- F10** Semicolon in reg. 17(3)(j) substituted (31.12.2014) by [The Shared Parental Leave and Statutory Shared Parental Pay \(Consequential Amendments to Subordinate Legislation\) Order 2014 \(S.I. 2014/3255\)](#), arts. 1(2), **3(a)**
- F11** Reg. 17(3)(k) inserted (31.12.2014) by [The Shared Parental Leave and Statutory Shared Parental Pay \(Consequential Amendments to Subordinate Legislation\) Order 2014 \(S.I. 2014/3255\)](#), arts. 1(2), **3(b)**
- F12** Reg. 17(3)(l) inserted (6.4.2020) by [The Parental Bereavement Leave and Pay \(Consequential Amendments to Subordinate Legislation\) Regulations 2020 \(S.I. 2020/354\)](#), regs. 1, **3**
- F13** Reg. 17(4) omitted (16.11.1992) by virtue of [The Social Security \(Miscellaneous Provisions\) Amendment \(No. 2\) Regulations 1992 \(S.I. 1992/2595\)](#), regs. 1, **15(4)**
- F14** Reg. 17(5) omitted (16.11.1992) by virtue of [The Social Security \(Miscellaneous Provisions\) Amendment \(No. 2\) Regulations 1992 \(S.I. 1992/2595\)](#), regs. 1, **15(4)**

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