
STATUTORY INSTRUMENTS

1982 No. 894

The Statutory Sick Pay (General) Regulations 1982

Persons deemed incapable of work

2.—(1) A person who is not incapable of work of which he can reasonably be expected to do under a particular contract of service may be deemed to be incapable of work of such a kind by reason of some specific disease or bodily or mental disablement for any day on which ^{F1}...—

- (a) (i) he is under medical care in respect of a disease or disablement as aforesaid,
- (ii) it is stated by a registered medical practitioner that for precautionary or convalescent reasons consequential on such disease or disablement he should abstain from work, or from work of such a kind, and
- (iii) he does not work under that contract of service, [^{F2}or]^{F3}...

^{F4}(b) he is—

- (i) excluded or abstains from work, or from work of such a kind, pursuant to a request or notice in writing lawfully made under an enactment; or
- (ii) otherwise prevented from working pursuant to an enactment,

[^{F5}by reason of it being known or reasonably suspected that he is infected or contaminated by, or has been in contact with a case of, a relevant infection or contamination]];

^{F6}(c)

^{F7}(d)

(2) A person who at the commencement of any day is, or thereafter on that day becomes, incapable of work of such a kind by reason of some specific disease or bodily or mental disablement, and

- (a) on that day, under that contract of service, does no work, or no work except during a shift which ends on that day having begun on the previous day; and
- (b) does no work under that contract of service during a shift which begins on that day and ends on the next,

shall be deemed to be incapable of work of such a kind by reason of that disease or bodily or mental disablement throughout that day.

[^{F8}(3) For the purposes of paragraph (1)(b)—

“enactment” includes an enactment comprised in, or in an instrument made under—

- (a) an Act; or
- (b) an Act of the Scottish Parliament; and

[^{F9}“relevant infection or contamination” means—

- (a) in England and Wales—
 - (i) any incidence or spread of infection or contamination, within the meaning of section 45A(3) of the Public Health (Control of Disease) Act 1984 in respect of which regulations are made under Part 2A of that Act (public health protection)

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- for the purpose of preventing, protecting against, controlling or providing a public health response to, such incidence or spread, or
- (ii) any disease, food poisoning, infection, infectious disease or notifiable disease to which regulation 9 (powers in respect of persons leaving aircraft) of the Public Health (Aircraft) Regulations 1979 applies or to which regulation 10 (powers in respect of certain persons on ships) of the Public Health (Ships) Regulations 1979 applies; and
- (b) in Scotland, any–
- (i) infectious disease within the meaning of section 1(5) of the Public Health etc (Scotland) Act 2008, or exposure to an organism causing that disease, or
 - (ii) contamination within the meaning of section 1(5) of that Act, or exposure to a contaminant,
- to which sections 56 to 58 of that Act (compensation) apply.]]

^{F10}(4)

Textual Amendments	
F1	Word in reg. 2(1) omitted (13.3.2020) by virtue of The Statutory Sick Pay (General) (Coronavirus Amendment) Regulations 2020 (S.I. 2020/287) , regs. 1, 2(2)(a) (as amended (28.3.2020) by The Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations 2020 (S.I. 2020/374) , regs. 1, 4)
F2	Word in reg. 2(1)(a)(iii) inserted (25.3.2022) by The Statutory Sick Pay (General) (Coronavirus Amendment) Regulations 2022 (S.I. 2022/380) , regs. 1(1), 2(2)(a)
F3	Word in reg. 2(1)(a) omitted (13.3.2020) by virtue of The Statutory Sick Pay (General) (Coronavirus Amendment) Regulations 2020 (S.I. 2020/287) , regs. 1, 2(2)(b) (as amended (28.3.2020) by The Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations 2020 (S.I. 2020/374) , regs. 1, 4)
F4	Reg. 2(1)(b) substituted (10.4.2006) by The Statutory Sick Pay (General) Amendment Regulations 2006 (S.I. 2006/799) , regs. 1, 2(2)
F5	Words in reg. 2(1)(b) substituted (6.4.2012) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425) , regs. 1(3), 6(a)
F6	Reg. 2(1)(c) omitted (25.3.2022) by virtue of The Statutory Sick Pay (General) (Coronavirus Amendment) Regulations 2022 (S.I. 2022/380) , regs. 1(1), 2(2)(b)
F7	Reg. 2(1)(d) omitted (25.3.2022) by virtue of The Statutory Sick Pay (General) (Coronavirus Amendment) Regulations 2022 (S.I. 2022/380) , regs. 1(1), 2(2)(b)
F8	Reg. 2(3) added (10.4.2006) by The Statutory Sick Pay (General) Amendment Regulations 2006 (S.I. 2006/799) , regs. 1, 2(3)
F9	Words in reg. 2(3) substituted (6.4.2012) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425) , regs. 1(3), 6(b)
F10	Reg. 2(4) omitted (25.3.2022) by virtue of The Statutory Sick Pay (General) (Coronavirus Amendment) Regulations 2022 (S.I. 2022/380) , regs. 1(1), 2(3)

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