
STATUTORY INSTRUMENTS

1982 No. 894

The Statutory Sick Pay (General) Regulations 1982

Period of entitlement ending or not arising

3.—(1) In a case where an employee is detained in legal custody or sentenced to a term of imprisonment (except where the sentence is suspended) on a day which in relation to him falls within a period of entitlement, that period shall end with that day.

(2) A period of entitlement shall not arise in relation to a period of incapacity for work where at any time on the first day of that period of incapacity for work the employee in question is in legal custody or sentenced to or undergoing a term of imprisonment (except where the sentence is suspended).

[^{F1}(2A) A period of entitlement in respect of an employee who was entitled to incapacity benefit, maternity allowance or severe disablement allowance shall not arise in relation to any day within a period of incapacity for work beginning with the first day on which paragraph 2(d) of Schedule 11 to the Contributions and Benefits Act ceases to have effect where the employee in question is a person to whom regulation 13A of the Social Security (Incapacity for Work) (General) Regulations 1995 (welfare to work beneficiary) applies.]

[^{F2}(2B) Paragraph (2A) shall not apply, in the case of an employee who was entitled to incapacity benefit, where paragraph 2(d)(i) of Schedule 11 to the Contributions and Benefits Act ceases to have effect by virtue of paragraph 5A of that Schedule.]

[^{F3}(2C) A period of entitlement in respect of an employee who was entitled to employment and support allowance shall not arise in relation to any day within a period of limited capability for work beginning with the first day on which paragraph 2(dd) of Schedule 11 to the Contributions and Benefits Act ceases to have effect where the employee in question is a person to whom regulation 148 of the Employment and Support Allowance Regulations 2008 (work and training beneficiaries) applies.]

[^{F4}(3) A period of entitlement as between an employee and his employer shall end after 3 years if it has not otherwise ended in accordance with [^{F5}section 153(2) of the Contributions and Benefits Act] or with regulations (other than this paragraph) made under [^{F6}section 153(6) of the Contributions and Benefits Act.]]

[^{F7}(4) Where a period of entitlement is current as between an employee and her employer and the employee—

- (a) is pregnant or has been confined; and
- (b) is incapable of work wholly or partly because of pregnancy or confinement on any day which falls on or after the beginning of the [^{F8}4th week] before the expected week of confinement; and
- (c) is not by virtue of that pregnancy or confinement entitled to statutory maternity pay under Part XII of the Contributions and Benefits Act or to maternity allowance under section 35 of that Act;

the period of entitlement shall end on that day or, if earlier, on the day she was confined.]

[^{F9}(5) Where an employee—

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- (a) is pregnant or has been confined; and
- (b) is incapable of work wholly or partly because of pregnancy or confinement on any day which falls on or after the beginning of the [^{F10}4th week] before the expected week of confinement; and
- (c) is not by virtue of that pregnancy or confinement entitled to statutory maternity pay under Part XII of the Contributions and Benefits Act or to maternity allowance under section 35 of that Act;

a period of entitlement as between her and her employer shall not arise in relation to a period of incapacity for work where the first day in that period falls within 18 weeks of the beginning of the week containing the day referred to at (b) above or, if earlier, of the week in which she was confined.]

[^{F11}(6) In paragraphs (4) and (5) “confinement” and “confined” have the same meanings as in [^{F12}section 171 of the Contributions and Benefits Act].]

- F1** Reg. 3(2A) inserted (5.10.1998) by The Social Security (Welfare to Work) Regulations 1998 (S.I. 1998/2231), regs. 1, **6**
- F2** Reg. 3(2B) inserted (6.4.2007) by The Employment Equality (Age) (Consequential Amendments) Regulations 2007 (S.I. 2007/825), regs. 1, **5(2)**
- F3** Reg. 3(2C) inserted (27.10.2008) by The Employment and Support Allowance (Consequential Provisions) (No. 2) Regulations 2008 (S.I. 2008/1554), regs. 1(2)(b), **45(1)**
- F4** Reg. 3(3) inserted (6.4.1986) by The Statutory Sick Pay (General) Amendment Regulations 1986 (S.I. 1986/477), regs. 1(1), **3**
- F5** Words in reg. 3(3) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Social Security Maternity Benefits and Statutory Sick Pay (Amendment) Regulations 1994 (S.I. 1994/1367), regs. 1(2), **9(2)(a)**
- F6** Words in reg. 3(3) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Social Security Maternity Benefits and Statutory Sick Pay (Amendment) Regulations 1994 (S.I. 1994/1367), regs. 1(2), **9(2)(b)**
- F7** Reg. 3(4) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Social Security Maternity Benefits and Statutory Sick Pay (Amendment) Regulations 1994 (S.I. 1994/1367), regs. 1(2), **9(3)**
- F8** Words in reg. 3(4)(b) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Social Security, Statutory Maternity Pay and Statutory Sick Pay (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/2690), regs. 1(1)(a), **13(2)**
- F9** Reg. 3(5) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Social Security Maternity Benefits and Statutory Sick Pay (Amendment) Regulations 1994 (S.I. 1994/1367), regs. 1(2), **9(4)**
- F10** Words in reg. 3(5)(b) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Social Security, Statutory Maternity Pay and Statutory Sick Pay (Miscellaneous Amendments) Regulations 2002 (S.I. 2002/2690), regs. 1(1)(a), **13(3)**
- F11** Reg. 3(4)-(6) added (7.6.1987) by The Statutory Sick Pay (General) Amendment (No.2) Regulations 1987 (S.I. 1987/868), regs. 1(1), **2**
- F12** Words in reg. 3(6) substituted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Social Security Maternity Benefits and Statutory Sick Pay (Amendment) Regulations 1994 (S.I. 1994/1367), regs. 1(2), **9(5)**

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