
STATUTORY INSTRUMENTS

1982 No. 894

The Statutory Sick Pay (General) Regulations 1982

[^{F1}Insolvency of employer

9B.—(1) Notwithstanding the provisions of section 1 of the Act and subject to paragraph (3), any liability arising under Part I of the Act to make a payment of statutory sick pay in respect of a day of incapacity for work in relation to an employee's contract of service with his employer shall be that of the Secretary of State and not that of the employer where the employer is insolvent on that day.

(2) For the purposes of paragraph (1) an employer shall be taken to be insolvent if, and only if—

(a) in England and Wales—

- (i) he has been adjudged bankrupt or has made a composition or arrangement with his creditors;
- (ii) he has died and his estate falls to be administered in accordance with an order under section 421 of the Insolvency Act 1986; or
- (iii) where an employer is a company, a winding-up order ^{F2}... is made or a resolution for voluntary winding-up is passed with respect to it [^{F3}or it enters administration], or a receiver or manager of its undertaking is duly appointed, or possession is taken by or on behalf of the holders of any debentures secured by a floating charge, or any property of the company comprised in or subject to the charge or a voluntary arrangement proposed for the purposes of Part I of the Insolvency Act 1986 is approved under that Part;

(b) in Scotland—

- (i) an award of sequestration is made on his estate or he executes a trust deed for his creditors or enters into a composition contract;
- (ii) he has died and a judicial factor appointed under section 11A of the Judicial Factors (Scotland) Act 1889 is required by that section to divide his insolvent estate among his creditors; or
- (iii) where the employer is a company, a winding-up order ^{F4}... is made or a resolution for voluntary winding-up is passed with respect to it [^{F5}or it enters administration] or a receiver of its undertaking is duly appointed or a voluntary arrangement proposed for the purposes of Part I of the Insolvency Act 1986 is approved under that Part.

(3) This regulation shall not apply where the employer became insolvent before 6th April 1987.]

F1 Regs. 9A-9C inserted (6.4.1987) by [The Statutory Sick Pay \(General\) Amendment Regulations 1987 \(S.I. 1987/372\)](#), **reg. 2**

F2 Words in reg. 9B(2)(a)(iii) omitted (15.9.2003) by virtue of [The Enterprise Act 2002 \(Insolvency\) Order 2003 \(S.I. 2003/2096\)](#), art. 1(1), **Sch. para. 42(a)(i)** (with art. 6)

F3 Words in reg. 9B(2)(a)(iii) inserted (15.9.2003) by [The Enterprise Act 2002 \(Insolvency\) Order 2003 \(S.I. 2003/2096\)](#), art. 1(1), **Sch. para. 42(a)(ii)** (with art. 6)

F4 Words in reg. 9B(2)(b)(iii) omitted (15.9.2003) by virtue of [The Enterprise Act 2002 \(Insolvency\) Order 2003 \(S.I. 2003/2096\)](#), art. 1(1), **Sch. para. 42(b)(i)** (with art. 6)

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F5 Words in reg. 9B(2)(b)(iii) inserted (15.9.2003) by [The Enterprise Act 2002 \(Insolvency\) Order 2003 \(S.I. 2003/2096\)](#), art. 1(1), [Sch. para. 42\(b\)\(ii\)](#) (with art. 6)

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