
STATUTORY INSTRUMENTS

1990 No. 257

TERMS AND CONDITIONS OF EMPLOYMENT

The Statutory Sick Pay (Rate of Payment) Regulations 1990

Made - - - - - *13th February 1990*

Coming into force - - - - - *6th April 1990*

WHEREAS a draft of the following Regulations was laid before Parliament in accordance with the provisions of section 7(1B) of the Social Security and Housing Benefits Act 1982(1) and approved by resolution of each House of Parliament:

NOW, therefore, the Secretary of State for Social Security, in exercise of the powers conferred by section 166(2) and (3) of the Social Security Act 1975(2) and sections 7(1A), 45(1) and 47 of the Social Security and Housing Benefits Act 1982(3), after reference of the proposals to make these Regulations to the Social Security Advisory Committee(4), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Statutory Sick Pay (Rate of Payment) Regulations 1990 and shall come into force on 6th April 1990, immediately following article 9 of the Social Security Benefits Up-Rating Order 1990.

(2) In these Regulations, “the 1982 Act” means the Social Security and Housing Benefits Act 1982.

Substitution of provisions in section 7(1) of the 1982 Act

2. For subsection (1)(a) to (b) of section 7 of the 1982 Act there shall be substituted the following provisions —

- “(1) Statutory sick pay shall be payable by an employer at the weekly rate of —
- (a) £52.50, in a case where the employee’s normal weekly earnings under his contract of service with that employer are not less than £125; or
 - (b) £39.25, in any other case.”.

(1) 1982 c. 24; subsections (1A) and (1B) were inserted in section 7 by the Social Security Act 1986 (c. 50), section 67(1).
(2) 1975 c. 14; section 166(3) was amended by the Social Security Act 1989 (c. 24), Schedule 8, paragraph 10(1).
(3) Section 47 is cited because of the meaning it ascribes to the word “regulations”.
(4) See section 10 of the Social Security Act 1980 (c. 30)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Transitional Provisions

3. Where in relation to statutory sick pay a period of entitlement as between an employer and an employee is running at 6th April 1990 and the employee's normal weekly earnings under the contract of service with that employer are not less than, or are treated for the purposes of section 7(1) of the 1982 Act as not less than £84.00, they shall be treated for the purposes of that section as not less than £125.00 for the remainder of that period.

Revocation

4. The Statutory Sick Pay (Rate of Payment) Regulations 1987(5) are hereby revoked.

Signed by authority of the Secretary of State for Social Security.

13th February 1990

Nicholas Scott
Minister of State,
Department of Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 6th April 1990, amend the rates of statutory sick pay. Regulation 2 increases the higher rate from £52.10 to £52.50 per week and the lower rate from £36.25 to £39.25 per week. In addition the earnings band is altered so that the higher rate becomes payable where the employee's earnings are normally £125 or more per week (increased from £84 or more per week).

Regulation 3 contains transitional provisions for those employees who are incapable of work at the time of the change and would otherwise move from the higher to the lower rate of statutory sick pay.

Regulation 4 contains a revocation.

The Report of the Social Security Advisory Committee dated January 1990 on the draft of these Regulations which had been referred to them, together with a statement showing why the Regulations do not give effect to the Committee's recommendation, is contained in Command Paper No. 961 published by Her Majesty's Stationery Office.