

2020 No. 1638

SOCIAL SECURITY

TERMS AND CONDITIONS OF EMPLOYMENT

**The Statutory Sick Pay (General) (Coronavirus Amendment)
(No. 7) Regulations 2020**

<i>Made</i> - - - -	<i>22nd December 2020</i>
<i>Laid before Parliament</i>	<i>23rd December 2020</i>
<i>Coming into force</i> - -	<i>24th December 2020</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 151(4) and (4A) and 175(1), (3), (4) and (5A) of the Social Security Contributions and Benefits Act 1992(a).

In accordance with section 173(1)(a) of the Social Security Administration Act 1992(b), it appears to the Secretary of State that by reason of the urgency of this matter it is inexpedient to refer the proposals in respect of these Regulations to the Social Security Advisory Committee.

Citation and Commencement

1. These Regulations may be cited as the Statutory Sick Pay (General) (Coronavirus Amendment) (No. 7) Regulations 2020 and come into force on 24th December 2020.

Amendment of the Statutory Sick Pay (General) Regulations 1982

2.—(1) Schedule 1 to the Statutory Sick Pay (General) Regulations 1982(c) (isolation due to coronavirus) is amended as follows.

- (2) In paragraphs 2 and 4 for “10” substitute “11”.
- (3) In paragraph 3 for “14” substitute “11”.
- (4) For paragraph 5C substitute the following—

“5C. The person (P1) has tested positive for coronavirus and is staying at home—
(a) for—

(a) 1992 c. 4. Section 151(4) was amended by section 11(1) of, and paragraph 34 of Schedule 1 to, the Social Security (Incapacity for Work) Act 1994 (c. 18). Section 175(1) and (4) was amended by section 2 of, and paragraph 29 of Schedule 3 to, the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2). Sections 151(4A) and 175(5A) were added by section 41 of the Coronavirus Act 2020.

(b) 1992 c. 5.

(c) S.I. 1982/894. Relevant amending instruments are S.I. 2020/287, 304, 374, 427, 539, 681, 829 and 892.

- (i) the period specified in a relevant notification which informs P1 that they have tested positive for coronavirus;
 - (ii) where no period is specified within a relevant notification, and the Health Protection Regulations (England) apply, the period beginning with the day on which P1 first had the symptoms of coronavirus or, if earlier, the day on which P1 was given the coronavirus test which returned a positive result, and ending on the day on which P1 ceases to be required to self-isolate pursuant to regulations 2 and 3 of the Health Protection Regulations (England);
 - (iii) where no period is specified within a relevant notification, and the Health Protection Regulations (Wales) apply, the period beginning with the day on which P1 first had the symptoms of coronavirus or, if earlier, the day on which P1 was given the coronavirus test which returned a positive result, and ending on the day on which P1 ceases to be required to isolate pursuant to Chapter 1 of Part 4 of the Health Protection Regulations (Wales); or
 - (iv) in any other circumstances, 11 days beginning with the day on which P1 first had the symptoms of coronavirus or, if earlier, the day on which P1 was given the coronavirus test which returned a positive result; or
- (b) if P1 still has symptoms of coronavirus at the end of the period mentioned in paragraph (a)(i), (ii), (iii) or (iv) (as the case may be), until P1 no longer has those symptoms.”

(5) For paragraph 5E substitute the following—

“**5E.** The person (P2) lives with, or is in an extended household or a linked household with, a person (S) who has tested positive for coronavirus and P2 is staying at home for—

- (a) the period specified in a relevant notification which—
 - (i) informs P2 that they have had close contact with a person who has tested positive for coronavirus; or
 - (ii) informs S that they have tested positive for coronavirus;
- (b) where no period is specified within a relevant notification and—
 - (i) the Health Protection Regulations (England) apply, the period beginning with the day on which S first had the symptoms of coronavirus or, if earlier, the day on which S was given the coronavirus test which returned a positive result, and ending on the day on which P2 ceases to be required to self-isolate pursuant to regulations 2 and 3 of the Health Protection Regulations (England); or
 - (ii) the Health Protection Regulations (Wales) apply, the period beginning with the day on which S first had the symptoms of coronavirus or, if earlier, the day on which S was given the coronavirus test which returned a positive result, and ending on the day on which P2 ceases to be required to isolate pursuant to Chapter 1 of Part 4 of the Health Protection Regulations (Wales); or
- (c) in any other circumstances, 11 days beginning with the day on which S first had the symptoms of coronavirus or, if earlier, the day on which S was given the coronavirus test which returned a positive result.”

(6) In paragraph 6, insert in the appropriate place—

““the Health Protection Regulations (England)” means the Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020(a);

“the Health Protection Regulations (Wales)” means the Health Protection (Coronavirus Restrictions) (No.4) (Wales) Regulations 2020(b);”.

(a) S.I. 2020/1045. Relevant amending instruments are S.I. 2020/1375 and S.I. 2020/1518.

(b) S.I. 2020/1219 (W. 276). The relevant amending instrument is S.I. 2020/1477 (W. 316).

- (7) In paragraph 6, in the definition of “relevant notification”—
- (a) after “means a notification” insert “given orally (either in person or by telephone) or”, and omit “sent”;
 - (b) in paragraph (f) omit “and”; and
 - (c) after paragraph (f) insert—
 - “(g) Scottish Ministers;
 - (h) Welsh Ministers; and”.

Signed by authority of the Secretary of State for Work and Pensions

Justin Tomlinson
Minister of State

22nd December 2020

Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Statutory Sick Pay (General) Regulations 1982 (S.I. 1982/894).

Regulation 2(1) to (6) amends Schedule 1 to the 1982 Regulations to reflect changes to the self-isolation requirements where a person has symptoms of coronavirus, tests positive for coronavirus or is a household contact of a person who has coronavirus. These provisions ensure that people who have to self-isolate for these reasons are deemed to be incapable of work for the full period for which they have to isolate.

Regulation 2(7) allows relevant notifications to be given orally and expands the list of people who can issue relevant notifications to include the Scottish and Welsh Ministers.

No regulatory impact assessment has been produced for these Regulations in view of the urgency of amending the 1982 Regulations to ensure that people who have to isolate will be deemed incapable of work, and therefore (where other eligibility criteria are satisfied) be eligible to receive Statutory Sick Pay, for the full period of their isolation.

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