
STATUTORY INSTRUMENTS

2020 No. 512

**The Statutory Sick Pay (Coronavirus) (Funding
of Employers' Liabilities) Regulations 2020**

PART 2

Eligibility for funding

Funding of eligible employers' liabilities by HMRC

3.—(1) An eligible employer who has made a payment of statutory sick pay ^{M1} to an employee where—

- (a) that employee's period of incapacity for work ^{M2} is related to coronavirus; and
- (b) the first day of incapacity for work in that period falls on or after 13th March 2020,

is, subject to paragraphs (2) and (3), entitled to recover the amount paid to the employee (the “reimbursement amount”) from HMRC.

(2) An eligible employer is not entitled to recover a reimbursement amount from HMRC—

- (a) if, were the eligible employer to receive the reimbursement amount claimed, the amount of State aid received by the eligible employer would exceed the maximum temporary aid amount for that eligible employer; or
- (b) in respect of an employee for a period for which the eligible employer is entitled to a grant in respect of that employee under the Coronavirus Job Retention Scheme.

(3) The amount which an eligible employer may recover from HMRC under these Regulations is limited to—

- (a) in relation to a single employee, [^{F1}£192.70]; and
- (b) in total, [^{F2}£192.70] multiplied by the number of employees enrolled in PAYE schemes of the eligible employer on 28th February 2020, determined in accordance with regulation 4.

(4) In this regulation—

- (a) an employee includes an employee who—
 - (i) was employed by the eligible employer during a period of incapacity for work related to coronavirus,
 - (ii) has received a payment of statutory sick pay from the eligible employer in respect of that period of incapacity for work, and
 - (iii) no longer works for the eligible employer;
- (b) the reference to the reimbursement amount in paragraph (2)(a) is to that amount converted into euros using the European Commission's—
 - (i) official monthly accounting rate for the euro; and
 - (ii) conversion rate for April 2020 ^{M3}; and

- (c) the “Coronavirus Job Retention Scheme” is the scheme set out in the Schedule to the Coronavirus Act 2020 Functions of Her Majesty's Revenue and Customs (Coronavirus Job Retention Scheme) Direction ^{M4}.

Textual Amendments

- F1** Sum in reg. 3(3)(a) substituted (6.4.2021) by [The Statutory Sick Pay \(Coronavirus\) \(Funding of Employers' Liabilities\) \(Amendment\) Regulations and the Statutory Sick Pay \(Coronavirus\) \(Funding of Employers' Liabilities\) \(Northern Ireland\) \(Amendment\) Regulations 2021 \(S.I. 2021/281\)](#), regs. 1, 2
- F2** Sum in reg. 3(3)(b) substituted (6.4.2021) by [The Statutory Sick Pay \(Coronavirus\) \(Funding of Employers' Liabilities\) \(Amendment\) Regulations and the Statutory Sick Pay \(Coronavirus\) \(Funding of Employers' Liabilities\) \(Northern Ireland\) \(Amendment\) Regulations 2021 \(S.I. 2021/281\)](#), regs. 1, 2

Commencement Information

- I1** Reg. 3 in force at 26.5.2020, see reg. 1

Marginal Citations

- M1** “Statutory sick pay” is defined in section 151(1) of the 1992 Act.
- M2** “Period of incapacity for work” is defined in s152(2) of the 1992 Act.
- M3** The European Commission's official rates are available at https://ec.europa.eu/info/funding-tenders/how-eu-funding-works/information-contractors-and-beneficiaries/exchange-rate-infoeuro_en.
- M4** The Direction dated 15 April 2020 is available at <https://www.thegazette.co.uk/notice/3551698>. A person unable to access the Direction electronically may access it while government advice on social distancing and unnecessary travel applies, in hard copy by post free of charge on application to 07785 665073 and otherwise by inspection free of charge at HMRC, 100 Parliament Street, London SW1A 2BQ.

Changes to legislation:

There are currently no known outstanding effects for the The Statutory Sick Pay (Coronavirus) (Funding of Employers' Liabilities) Regulations 2020, Section 3.