

## 1987 No. 248

## STATUTORY SICK PAY

**The Statutory Sick Pay (General) (Amendment No. 2)  
Regulations (Northern Ireland) 1987**

*Made* . . . . . 5th June 1987

*Coming into operation* . . . . . 7th June 1987

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 5 (4A)(b) and (5) and 28(3) of, and paragraph 1 of Schedule 1 to, the Social Security (Northern Ireland) Order 1982(a) and of all other powers enabling it in that behalf, hereby makes the following regulations:

*Citation, commencement and interpretation*

1.—(1) These regulations may be cited as the Statutory Sick Pay (General) (Amendment No. 2) Regulations (Northern Ireland) 1987 and shall come into operation on 7th June 1987.

(2) In these regulations “the principal regulations” means the Statutory Sick Pay (General) Regulations (Northern Ireland) 1982(b).

*Period of entitlement ending or not arising*

2. In regulation 3 of the principal regulations, after paragraph (3) there shall be added the following paragraphs—

“(4) Where a period of entitlement is current as between an employee and her employer and the employee—

- (a) is or was pregnant,
- (b) has reached or been confined before reaching the day immediately preceding the 6th week before the expected week of her confinement, and

(c) is not by virtue of that pregnancy or confinement entitled to statutory maternity pay under Part VI of the Social Security (Northern Ireland) Order 1986(c) or to maternity allowance under section 22 of the Social Security (Northern Ireland) Act 1975(d), the period of entitlement shall end on that day, or if confinement was earlier than that day, on the day she was confined.

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(a) S.I. 1982/1084 (N.I. 16); Article 5(4A) was inserted by Article 18(5) of the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16))

(b) S.R. 1982 No. 263; the relevant amending regulations are S.R. 1986 No. 83

(c) S.I. 1986/1888 (N.I. 18)

(d) 1975 c. 15; section 22 was substituted by paragraph 13 of Schedule 4 to the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18))

(5) Where an employee—

- (a) has been confined before she has reached the beginning of the 6th week before the expected week of her confinement, and
- (b) is not by virtue of that confinement entitled to statutory maternity pay under Part VI of the Social Security (Northern Ireland) Order 1986 or to maternity allowance under section 22 of the Social Security (Northern Ireland) Act 1975,

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 of incapacity falls in the week in which she was confined or within 17 weeks after that week.

(6) Where an employee—

- (a) has reached the beginning of the 6th week before the expected week of her confinement, and
- (b) is not in expectation of that confinement entitled to statutory maternity pay under Part VI of the Social Security (Northern Ireland) Order 1986 or to maternity allowance under section 22 of the Social Security (Northern Ireland) Act 1975,

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 of incapacity falls in the 6th week before the expected week of her confinement or within 17 weeks after the 6th week before the expected week of her confinement.

(7) In paragraphs (4) to (6) “confinement” and “confined” have the same meanings as in Article 51 of the Social Security (Northern Ireland) Order 1986.”.

#### *Statements relating to the payment of statutory sick pay*

3. In regulation 15A of the principal regulations (statements relating to the payment of statutory sick pay)—

- (a) in paragraph (1) for sub-paragraph (c), there shall be substituted the following sub-paragraph—
  - “(c) the employer is or was liable to make a payment of statutory sick pay to the employee in respect of any week within that period of 8 weeks, and for this purpose a week includes any days rounded up to a week in accordance with paragraph (4),”; and
- (b) in paragraph (2)(b) “and days” shall be omitted.

#### *Meaning of “earnings”*

4. In regulation 17 of the principal regulations (meaning of earnings)—

- (a) in paragraph (2), sub-paragraph (f) is revoked, and
- (b) in paragraph (3), after sub-paragraph (g) there shall be added the following sub-paragraph—
  - “(h) any sum payable by way of statutory maternity pay under Part VI of the Social Security (Northern Ireland) Order 1986, including sums payable in accordance with regulations made under Article 47(8)(b) of that Order.”.

Sealed with the Official Seal of the Department of Health and Social Services on 5th June 1987.

(L.S.)

A. N. Burns

Assistant Secretary

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### EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These regulations further amend the Statutory Sick Pay (General) Regulations (Northern Ireland) 1982. They correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.

Article 5 of the Social Security (Northern Ireland) Order 1982, as amended by paragraph 50 of Schedule 9 to the Social Security (Northern Ireland) Order 1986, prevents a woman entitled to either statutory maternity pay or a maternity allowance from also receiving statutory sick pay. Regulation 2 makes further provision preventing a woman who is not entitled to either statutory maternity pay or a maternity allowance from receiving statutory sick pay for a period of 18 weeks.

Regulation 3 makes minor changes to the provisions governing statements required to be completed by employers in connection with payments of statutory sick pay.

Regulation 4 provides that for the purposes of statutory sick pay the expression "earnings" includes payments of statutory maternity pay. It also revokes a provision which is no longer required.

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This Order has been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.