

1990 No. 73

STATUTORY SICK PAY

**The Statutory Sick Pay (Rate of Payment) Regulations
(Northern Ireland) 1990**

Made 28th February 1990

Coming into operation 6th April 1990

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 9(1A)(a) of 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 (Rate of Payment) Regulations (Northern Ireland) 1990 and shall come into operation on 6th April 1990, immediately following the coming into operation of Article 9 of the Social Security Benefits Up-rating Order (Northern Ireland) 1990(b).

(2) In these regulations “the Order” means the Social Security (Northern Ireland) Order 1982.

Substitution of provisions in Article 9(1) of the Order

2. For paragraph (1) of Article 9 of the Order(c) there shall be substituted the following paragraph—

“(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.”

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 his contract of service with that

(a) S.I. 1982/1084 (N.I. 16); Article 9(1A) was inserted by Article 68(1) of the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)). Article 36(1) provides for section 155(2) and (3) of the Social Security (Northern Ireland) Act 1975 (c. 15) (extent of powers) to apply to the regulation-making powers conferred by this Order; the said section 155(3) was amended by paragraph 9(1) of Schedule 8 to the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13))

(b) S.R. 1990 No. 70

(c) Paragraph (1) was substituted by regulation 2 of S.R. 1987 No. 23 and amended by Article 9 of the Social Security Benefits Up-rating Order (Northern Ireland) 1990

employer are not less than, or are treated for the purposes of Article 9(1) of the Order as not less than, £84·00 they shall be treated for the purposes of that Article as not less than £125·00 for the remainder of that period.

Revocations

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

Sealed with the Official Seal of the Department of Health and Social Services on 28th February 1990.

(L.S.)

A. N. Burns

Assistant Secretary

(a) S.R. 1987 No. 23

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations, which come into operation on 6th April 1990, amend the rates of statutory sick pay. They correspond to provision contained in regulations made by the Secretary of State for Social Security 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.

Regulation 2 increases the higher rate of statutory sick pay 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.

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 consequential revocation.