

2008 No. 356

STATUTORY SICK PAY

**The Statutory Sick Pay (General) (Amendment) Regulations
(Northern Ireland) 2008**

Made - - - - - *27th August 2008*

Coming into operation - *27th October 2008*

The Department for Social Development makes the following Regulations in exercise of the powers conferred by section 149(5) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(a) and section 122(2) of the Social Security Administration (Northern Ireland) Act 1992(b) and now vested in it(c).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Statutory Sick Pay (General) (Amendment) Regulations (Northern Ireland) 2008 and shall come into operation on 27th October 2008.

(2) The Interpretation Act (Northern Ireland) 1954(d) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Statutory Sick Pay (General) Regulations

2.—(1) The Statutory Sick Pay (General) Regulations (Northern Ireland) 1982(e) are amended in accordance with paragraphs (2) and (3).

(2) Omit regulations 3A and 15A(f) (maximum entitlement to statutory sick pay in a period of entitlement and statements relating to the payment of statutory sick pay).

(3) In regulation 15(g) (provision of information by employers to employees)—

(a) for paragraph (3)(a) substitute—

“(a) the information mentioned in paragraph (1) is a statement informing the employee of—

(i) the reason why the period of entitlement ended, and

(a) 1992 c. 7

(b) 1992 c. 8; section 122 was amended by paragraph 48 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994 (S.I. 1994/1898 (N.I. 12)), paragraph 29 of Schedule 1 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671), section 10(2) of the National Insurance Contributions and Statutory Payments Act 2004 (c. 3) and is amended by paragraph 4(17) of Schedule 3 to the Welfare Reform Act (Northern Ireland) 2007 (c. 2)

(c) See Article 8(b) of S.R. 1999 No. 481

(d) 1954 c. 33 (N.I.)

(e) S.R. 1982 No. 263; relevant amending Regulations are S.R. 1986 No. 83, S.R. 1987 No. 248, S.R. 1995 No. 150 and S.R. 1996 No. 108

(f) Regulation 3A was inserted by regulation 4 of S.R. 1986 No. 83 and regulation 15A was inserted by regulation 8(1) of S.R. 1986 No. 83 and amended by regulation 3 of S.R. 1987 No. 248 and regulation 3(6) of S.R. 1996 No. 108

(g) Regulation 15 was amended by regulation 7 of S.R. 1986 No. 83, regulation 15 of S.R. 1995 No. 150 and regulation 3(5) of S.R. 1996 No. 108

- (ii) the date of the last day in respect of which the employer is or was liable to make a payment of statutory sick pay to him; and”;
- (b) for paragraph (4)(a) substitute—
 - “(a) the information mentioned in paragraph (1) is a statement informing the employee of—
 - (i) the reason why the period of entitlement is expected to end, and
 - (ii) the date of the last day in respect of which the employer is or was expected to be liable to make a payment of statutory sick pay to him; and”.

Revocations

3. Regulations 4 and 8 of the Statutory Sick Pay (General) (Amendment) Regulations (Northern Ireland) 1986(**a**), regulation 3 of the Statutory Sick Pay (General) (Amendment No. 2) Regulations (Northern Ireland) 1987(**b**) and regulation 3(6) of the Social Security (Contributions), Statutory Maternity Pay and Statutory Sick Pay (Miscellaneous Amendments) Regulations (Northern Ireland) 1996(**c**) are revoked.

Sealed with the Official Seal of the Department for Social Development on 27th August 2008

(L.S.)

B McGahan
A senior officer of the Department for Social Development

(a) S.R. 1986 No. 83
(b) S.R. 1987 No. 248
(c) S.R. 1996 No. 108

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Statutory Sick Pay (General) Regulations (Northern Ireland) 1982 (“the principal Regulations”).

Regulation 2(2) omits regulations 3A and 15A of the principal Regulations which provide for an employer to determine whether an employee’s maximum entitlement to statutory sick pay in relation to certain days falling within previous periods of entitlement has been reached and to supply statements concerning an employee’s statutory sick pay entitlement where an employee leaves his employment with his employer.

Regulation 2(3) amends regulation 15 of the principal Regulations which makes provision about the information that is to be provided by employers to employees.

Regulation 3 makes consequential revocations.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

These Regulations reduce the costs on business, charities and the voluntary sector. An assessment of the cost to business of these Regulations is detailed in a Regulatory Impact Assessment, copies of which have been laid in the Business Office and the Library of the Northern Ireland Assembly. Copies of the Assessment are available from the Department for Social Development, Social Security Policy and Legislation Division, Level 1, James House, 2-4 Cromac Avenue, Gasworks Business Park, Ormeau Road, Belfast, BT7 2JA.

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