



Social Security and Housing Benefits Act 1982

1982 CHAPTER 24

PART I

STATUTORY SICK PAY

Limitations on entitlement, etc.

5 Limitations on entitlement

- (1) Statutory sick pay shall not be payable for the first three qualifying days in any period of entitlement.
- (2) An employee shall not be entitled, as against any one employer, to an aggregate amount of statutory sick pay in respect of any one period of entitlement, or tax year, which exceeds his maximum entitlement.
- (3) The maximum entitlement as against any one employer is reached on the day on which the amount to which the employee has become entitled by way of statutory sick pay during the period of entitlement in question or, as the case may be, the aggregate amount to which he has become so entitled during the tax year in question first reaches or passes the entitlement limit.
- (4) The entitlement limit is an amount equal to eight times the appropriate weekly rate set out in section 7 of this Act.
- (5) Regulations may make provision for calculating the entitlement limit in any case where an employee's entitlement to statutory sick pay is calculated by reference to different weekly rates in the same tax year or period of entitlement.

6 Notification of incapacity for work

- (1) Regulations shall prescribe the manner in which, and the time within which, notice of any day of incapacity for work is to be given by or on behalf of an employee to his employer.
- (2) An employer who would, apart from this section, be liable to pay an amount of statutory sick pay to an employee in respect of a qualifying day (the " day in question ") shall be entitled to withhold payment of that amount if—
 - (a) the day in question is one in respect of which he has not been duly notified in accordance with regulations under subsection (1) above ; or
 - (b) he has not been so notified in respect of any of the first three qualifying days in a period of entitlement (a " waiting day ") and the day in question is the first qualifying day in that period of entitlement in respect of which the employer is not entitled to withhold payment—
 - (i) by virtue of paragraph (a) above; or
 - (ii) in respect of an earlier waiting day by virtue of this paragraph.
- (3) Where an employer withholds any amount of statutory sick pay under this section—
 - (a) the period of entitlement in question shall not be affected; and
 - (b) for the purposes of calculating his maximum entitlement in accordance with section 5 of this Act, the employee shall not be taken to have become entitled to the amount so withheld.