



Social Security and Housing Benefits Act 1982

1982 CHAPTER 24

PART I

STATUTORY SICK PAY

Miscellaneous

22 Modification of provisions of Part I

- (1) The Secretary of State may make regulations modifying provisions of this Part, in such manner as he thinks proper, in their application to any person who is, has been or is to be—
 - (a) employed on board any ship, vessel, hovercraft or aircraft ;
 - (b) outside Great Britain at any prescribed time or in any prescribed circumstances; or
 - (c) in prescribed employment in connection with continental shelf operations.
- (2) Regulations under subsection (1) above may in particular provide—
 - (a) for any provision of this Part to apply to any such person, notwithstanding that it would not otherwise apply ;
 - (b) for any provision of this Part not to apply to any such person, notwithstanding that it would otherwise apply ;
 - (c) for excepting any such person from the application of any such provision where he neither is domiciled nor has a place of residence in any part of Great Britain;
 - (d) for the taking of evidence, for the purposes of the determination of any question arising under this Part, in a country or territory outside Great Britain, by a British consular official or such other person as may be prescribed.

- (3) " Continental shelf operations " means the exploitation of resources mentioned in section 1(1) of the Continental Shelf Act 1964 or the exploration of the seabed and subsoil in any area designated under section 1(7) of that Act.

23 Statutory sick pay to count as remuneration for principal Act

For the purposes of section 3 of the principal Act (meaning of " earnings "), any sums paid to, or for the benefit of, a person in satisfaction (whether in whole or in part) of any entitlement of his to statutory sick pay shall be treated as remuneration derived from an employed earner's employment.

24 Payments of statutory sick pay wrongly made

- (1) Regulations may make provision for the payment to an employer, by the Secretary of State and in prescribed circumstances, of an amount calculated in accordance with the regulations in any case where—
- (a) a payment purporting to be a payment of statutory sick pay (the " payment wrongly made ") has been made by that employer to a person (the " recipient "); and
 - (b) that employer was not liable to make that payment under this Part.
- (2) Regulations may make provision, in relation to such a case, for the recovery by the Secretary of State from the recipient, in prescribed circumstances, of an amount calculated in accordance with the regulations.
- (3) Regulations under this section may make such incidental and supplemental provision in relation to any payment made, or amount recovered, by the Secretary of State under the regulations as he considers expedient and may, in particular, provide—
- (a) for any such payment to be treated as discharging, or in prescribed circumstances as partially discharging, any liability of the recipient to repay to the employer the payment wrongly made ;
 - (b) for any such payment to be treated, in prescribed circumstances, as a payment to the recipient of a prescribed benefit ("benefit" having the meaning given by the regulations).
- (4) In this section "employer" includes a person believing himself to be an employer of the recipient in question.
- (5) Any payment made by the Secretary of State in accordance with regulations under this section shall be paid out of the National Insurance Fund and any amount recovered by him in accordance with the regulations shall be paid by him into that Fund.

25 Disclosure of information by Inland Revenue

- (1) No obligation as to secrecy imposed by statute or otherwise on persons employed in relation to the Inland Revenue shall prevent information obtained in connection with the assessment or collection of income tax under Schedule E from being disclosed to the Secretary of State, or the Department of Health and Social Services for Northern Ireland, or to an officer of either of them authorised to receive such information, in connection with the operation of this Part or of any corresponding enactment of Northern Ireland legislation.

- (2) Subsection (1) above extends only to disclosure by or under the authority of the Inland Revenue; and information which is the subject of disclosure to any person by virtue of that subsection shall not be further disclosed to any other person, except where the further disclosure is made—
- (a) to a person to whom disclosure could by virtue of this section have been made by or under the authority of the Inland Revenue; or
 - (b) for the purposes of any proceedings (civil or criminal) in connection with the operation of this Part or of any corresponding enactment of Northern Ireland legislation.

26 Interpretation of Part I and supplementary provisions

- (1) In this Part—

" Commissioner" means a Social Security Commissioner and includes a tribunal of Commissioners constituted under section 116 of the principal Act;

" contract of service " (except in paragraph (a) of the definition below of " employee ") includes any arrangement providing for the terms of appointment of an employee ;

" employed earner's employment " has the same meaning as in die principal Act;

" employee " means a person who is—

- (a) gainfully employed in Great Britain either under a contract of service or in an office (including elective office) with emoluments chargeable to income tax under Schedule E; and

- (b) over the age of 16 ;

but subject to regulations, which may provide for cases where any such person is not to be treated as an employee for the purposes of this Part and for cases where any person who would not otherwise be an employee for those purposes is to be treated as an employee for those purposes;

" employer ", in relation to an employee and a contract of service of his, means the secondary contributor (within the meaning of section 4 of the principal Act) in relation to any earnings paid, or to be paid, to or for the benefit of that employee under that contract;

" insurance officer " means an officer appointed under section 97(1) of the principal Act;

" local office " means any office appointed by the Secretary of State as a local office for the purposes of this Part;

" local tribunal " means a tribunal established under section 97(2) of the principal Act;

" maternity allowance " means an allowance payable under section 22 of the principal Act;

" pensionable age " means, in the case of a man, 65 or, in the case of a woman, 60; " period of entitlement" has the meaning given by section 3 of this Act;

" period of incapacity for work " has the meaning given by section 2 of this Act;

" period of interruption of employment" has the same meaning as it has in the principal Act by virtue of section 17(1)(d);

" prescribed " means prescribed by regulations ;

Status: This is the original version (as it was originally enacted).

" primary Class 1 contributions " and " secondary Class 1 contributions " have the same meaning as in the principal Act;

" qualifying day " has the meaning given by section 4 of this Act;

" week " means any period of seven days.

- (2) For the purposes of this Part an employee's normal weekly earnings shall, subject to subsection (4) below, be taken to be his average weekly earnings in the relevant period under his contract of service with the employer in question.
- (3) For the purposes of subsection (2) above, the expressions " earnings " and " relevant period " shall have the meaning given to them by regulations.
- (4) In such cases as may be prescribed an employee's normal weekly earnings shall be calculated in accordance with regulations.
- (5) Without prejudice to any other power to make regulations under this Part, regulations may specify cases in which, for the purposes of this Part or of such provisions of this Part as may be prescribed—
 - (a) two or more employers are to be treated as one ;
 - (b) two or more contracts of service in respect of which the same person is an employee are to be treated as one.
- (6) Regulations may provide for periods of work which begin on one day and finish on the following day to be treated, for purposes of this Part, as falling solely within one or other of those days.
- (7) In this Part any reference to Great Britain includes a reference to the territorial waters of the United Kingdom adjacent to Great Britain.

27 Crown employment

- (1) Subject to subsection (2) below, the provisions of this Part apply in relation to persons employed by or under the Crown as they apply in relation to persons employed otherwise than by or under the Crown.
- (2) The provisions of this Part do not apply in relation to persons serving as members of Her Majesty's forces, in their capacity as such.