



# Social Security and Housing Benefits Act 1982

## 1982 CHAPTER 24

### PART I

#### STATUTORY SICK PAY

##### *Rate of payment, etc.*

#### **7 Rate of payment**

- (1) Statutory sick pay shall be payable by an employer at the weekly rate of—
  - (a) £37, in a case where the employee's normal weekly earnings under his contract of service with that employer are not less than £60 ;
  - (b) £31, in a case where those earnings are less than £60 but not less than £45 ; or
  - (c) £25, in any other case.
- (2) The amount of statutory sick pay payable by any one employer in respect of any day shall be the weekly rate applicable on that day divided by the number of days which are, in the week (beginning with Sunday) in which that day falls, qualifying days as between that employer and the employee concerned.
- (3) The Secretary of State shall in the tax year 1982-1983, and in each subsequent tax year, review the sums specified in subsection (1)(a), (b) and (c) above for the purpose of determining whether they have retained their value in relation to the general level of prices obtaining in Great Britain.
- (4) For the purposes of any such review the Secretary of State shall estimate the general level of prices in such manner as he thinks fit.
- (5) Following any such review the Secretary of State may, in the tax year in which the review is carried out, prepare and lay before Parliament the draft of an order increasing one or more of the sums by such amount as he considers appropriate.

- (6) If a draft order laid before Parliament in pursuance of this section is approved by resolution of each House, the Secretary of State shall make an order in the form of the draft.
- (7) If on a review under this section the Secretary of State concludes that the general level of prices in Great Britain has risen during the period under review, but decides—
- (a) not to prepare and lay before Parliament the draft of an order increasing one or more of the sums ; or
  - (b) to prepare, and so lay, the draft of an order which provides for no increase in any one or more of the sums, or for an increase in any of them which differs from the appropriate amount;
- he shall, unless in his opinion the amount by which that general level has risen, or, as the case may be, the amount by which an increase differs from the appropriate amount, is inconsiderable, lay before Parliament a report explaining his reasons for so deciding.
- (8) If on a review under this section the Secretary of State concludes that the general level of prices in Great Britain has not risen during the period under review but decides to prepare and lay before Parliament the draft of an order increasing one or more of the sums, he shall lay before Parliament a report explaining his reasons for so deciding.
- (9) In subsection (7) above " appropriate amount " means the amount which would, in the opinion of the Secretary of State, reflect the amount by which the general level of prices in Great Britain has risen during the period under review.
- (10) A draft order prepared under subsection (5) above shall be framed so as to bring the increases in the sums to which it relates into force on the first day of the tax year beginning after the tax year in which the order is laid before Parliament in draft; and shall make such transitional provision as the Secretary of State considers expedient in respect of periods of entitlement running at that date.

## **8 Regulations as to method of payment, etc.**

- (1) Regulations may prescribe the manner in which statutory sick pay may, and may not, be paid.
- (2) Regulations may prescribe, in relation to any case where—
- (a) a decision has been made by an insurance officer, local tribunal or Commissioner in proceedings under this Part that an employee is entitled to an amount of statutory sick pay ; and
  - (b) the time for bringing an appeal against the decision has expired and either—
    - (i) no such appeal has been brought; or
    - (ii) such an appeal has been brought and has been finally disposed of;
 the time within which that amount of statutory sick pay is to be paid.
- (3) Regulations may make provision—
- (a) enabling a person to be appointed to exercise, on behalf of an employee who may be or become unable for the time being to act, any right or power which the employee may be entitled to exercise under this Part;
  - (b) authorising a person so appointed to receive and deal with, on behalf of the employee, any sum payable by way of statutory sick pay ;
  - (c) in connection with an employee's death—

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- (i) enabling proceedings on a question as to, or arising under this Part in connection with, entitlement to statutory sick pay to be begun or continued in his name;
  - (ii) authorising payment or distribution of statutory sick pay to or amongst persons claiming as his personal representatives, legatees, next of kin, or creditors (or, in any case where a deceased employed earner was illegitimate, to or amongst others); and
  - (iii) dispensing with strict proof of the title of persons so claiming ; and
- (d) adjusting amounts payable by way of statutory sick pay so as to avoid fractional amounts or facilitate computation.
- (4) In subsection (3)(c)(ii) above " next of kin " means the persons who would take beneficially (or who, in Scotland, would be entitled to the moveable estate of the deceased) on an intestacy.

## **9 Recovery by employers of amounts paid by way of statutory sick pay**

- (1) Regulations shall make provision—
- (a) entitling, except in prescribed circumstances, any employer who has made a payment of statutory sick pay to recover the amount so paid by making one or more deductions from his contributions payments ; and
  - (b) for the payment, in prescribed circumstances, by or on behalf of the Secretary of State of sums to employers who are unable so to recover the whole, or any part, of any payments of statutory sick pay which they have made.
- (2) In subsection (1)(a) above, "contributions payments", in relation to an employer, means any payments (other than payments arising under the National Insurance Surcharge Act 1976) which the employer is required, by or under any enactment, to make in discharge of any liability in respect of primary or secondary Class 1 contributions.
- (3) Regulations under this section may, in particular.—
- (a) require employers who have made payments of statutory sick pay to furnish to the Secretary of State such documents and information, at such times, as may be prescribed ; and
  - (b) provide for any deduction made in accordance with the regulations to be disregarded for prescribed purposes.
- (4) The power to make regulations conferred by paragraph 5 of Schedule 1 to the principal Act (power to combine collection of contributions with collection of income tax) shall include power to make such provision as the Secretary of State considers expedient in consequence of any provision made by or under this section.
- (5) Provision made in regulations under paragraph 5 of Schedule 1, by virtue of subsection (4) above, may in particular require the inclusion—
- (a) in returns, certificates and other documents ; or
  - (b) in any other form of record ;
- which the regulations require to be kept or produced or to which those regulations otherwise apply, of such particulars relating to statutory sick pay as may be prescribed by those regulations.
- (6) Where, in accordance with any provision of regulations made under this section, an amount has been deducted from an employer's contributions payments, the amount so

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deducted shall (except in such cases as may be prescribed) be treated for the purposes of any provision made by or under any enactment in relation to primary or secondary Class 1 contributions as having been—

(a) paid (on such date as may be determined in accordance with the regulations);  
and

(b) received by the Secretary of State ;

towards discharging the liability mentioned in subsection (2) above.

(7) Any sums paid under regulations made by virtue of subsection (1)(b) above shall be paid out of the National Insurance Fund.

(8) Any employer who, in purporting to comply with any requirement imposed by regulations under this section—

(a) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular ; or

(b) recklessly produces or furnishes any document or information which is false in a material particular ;

shall be guilty of an offence.

(9) A person guilty of an offence under subsection (8) above shall be liable, on summary conviction—

(a) in the case of an offence under paragraph (a), to a fine not exceeding £1,000 or to imprisonment for a term of not more than three months or to both; or

(b) in the case of an offence under paragraph (b), to a fine not exceeding £500.

(10) Subsections (8) and (9) above shall apply, in place of the provision made by section 98(2) of the Taxes Management Act 1970 (penalties for providing false information etc.) as applied by paragraph 5(2) of Schedule 1 to the principal Act, in relation to such requirements of the regulations made under paragraph 5 of Schedule 1 by virtue of subsection (4) above as may be specified in those regulations.