



Social Security Contributions and Benefits Act 1992

1992 CHAPTER 4

PART II

CONTRIBUTORY BENEFITS

Sickness benefit

31 Sickness benefit

- (1) Subject to the provisions of this section, a person who satisfies any of the three conditions of subsection (2) below shall be entitled to sickness benefit in respect of any day of incapacity for work which forms part of a period of interruption of employment.
- (2) The conditions of this subsection are that—
 - (a) the person is under pensionable age on the day in question and satisfies the contribution conditions specified for sickness benefit in Schedule 3, Part I, paragraph 2; or
 - (b) on that day the person—
 - (i) is over pensionable age, but not more than 5 years over that age; and
 - (ii) would be entitled to a Category A retirement pension if his entitlement had not been deferred or if he had not made an election under section 54(1) below; or
 - (c) on that day the person—
 - (i) is over pensionable age, but not more than 5 years over that age; and
 - (ii) would be entitled to a Category B retirement pension by virtue of the contributions of his deceased spouse, but for any such deferment or election.
- (3) Subsection (1) above is subject to the provision made by section 102 below in relation to entitlement to sickness benefit in cases of industrial injury.

Status: This is the original version (as it was originally enacted).

- (4) A person shall not be entitled to sickness benefit for the first 3 days of any period of interruption of employment.
- (5) In the case of a person entitled under paragraph (a) of subsection (2) above (including a person entitled by virtue of that paragraph and section 102 below) sickness benefit shall be payable at the weekly rate specified in Schedule 4, Part I, paragraph 2.
- (6) In the case of any person over pensionable age who is entitled under paragraph (b) or (c) of subsection (2) above, sickness benefit shall be payable at the weekly rate at which the retirement pension referred to in the applicable paragraph of that subsection would have been payable; but in determining that rate for the purposes of this subsection any increase specified in subsection (7) below shall be disregarded.
- (7) The increases to be disregarded for the purposes of subsection (6) above are the following—
 - (a) any increase (for married women) under section 53(2) below or (for deferred retirement) under Schedule 5 to this Act;
 - (b) any increase (for dependants) under section 80, 83 or 85 below; and
 - (c) any increase (for Category A or Category B pensioners) under section 150 of the Administration Act (annual up-rating).
- (8) The amount payable by way of benefit under this section for any day of incapacity for work shall be one-sixth of the appropriate weekly rate.

32 Sickness benefit - disqualifications etc

- (1) Regulations may provide for disqualifying a person for receiving sickness benefit for such period not exceeding 6 weeks as may be determined in accordance with Part II of the Administration Act if—
 - (a) he has become incapable of work through his own misconduct; or
 - (b) he fails without good cause to attend for, or to submit himself to, such medical or other examination or treatment as may be required in accordance with the regulations, or to observe any prescribed rules of behaviour.
- (2) Regulations may also provide for imposing, in the case of any prescribed category of persons—
 - (a) additional conditions with respect to the receipt of sickness benefit; and
 - (b) restrictions on the rate and duration of sickness benefit,if, having regard to special circumstances, it appears to the Secretary of State necessary to do so for the purpose of preventing inequalities, or injustice to the general body of employed earners, or of earners generally, as the case may be.
- (3) For the purposes of this section “week” means any period of 7 days.