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STATUTORY INSTRUMENTS

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**1987 No. 33**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The Statutory Sick Pay (Rate of Payment) Regulations 1987**

*Made* - - - - *9th January 1987*  
*Coming into force* - - *6th April 1987*

The Secretary of State for Social Services in exercise of the powers conferred upon him by section 7(1A) of the Social Security and Housing Benefits Act 1982<sup>(1)</sup> and section 89(1) of the Social Security Act 1986<sup>(2)</sup>, and of all other powers enabling him in that behalf, by this instrument, which contains only regulations made under section 89(1) of the Social Security Act 1986 and provisions consequential upon section 67(1) of that Act and before the end of a period of 12 months from the commencement of those sections, makes the following Regulations—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Statutory Sick Pay (Rate of Payment) Regulations 1987 and shall come into force on 6th April 1987.

(2) In these Regulations, “the 1982 Act” means the Social Security and Housing Benefits Act 1982.

(3) Unless the context otherwise requires any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number.

**Substitution of provisions in section 7(1) of the 1982 Act**

2. For subsection (1)(a) to (c) of section 7 of the 1982 Act there shall be substituted the following subsection:

- “(1) Statutory sick pay shall be payable by an employer at the weekly rate of—
- (a) £47.20, in a case where the employee’s normal weekly earnings under his contract of service with that employer are not less than £76.50; or
  - (b) £32.85, in any other case.”.

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(1) 1982 c. 24; section 7(1A) was inserted by section 67(1) of the Social Security Act 1986 (c. 50)  
(2) 1986 c. 50

### Transitional provisions

3.—(1) Subject to paragraph (2), where for any employee 5th April 1987 was a day of incapacity for work forming part of a period of incapacity for work and statutory sick pay was payable to him during that period of incapacity for work at the weekly rate of £39.20, for any day of incapacity for work —

(a) which falls on or after 6th April 1987, and

(b) which falls within the same period of incapacity for work, and

(c) in respect of which his employer is liable to make to him a payment of statutory sick pay, that payment shall, notwithstanding section 7(1) of the 1982 Act, be made to him at the weekly rate of £39.20.

(2) For the purpose of determining in accordance with paragraph (1) whether a day of incapacity for work forms part of a period of incapacity for work, and for that purpose only, section 2(3) of the 1982 Act shall be omitted.

(3) Where a period of entitlement as between an employer and an employee is running at 6th April 1987 and the employee's normal weekly earnings under his contract of service with that employer are not less than or treated in accordance with Article 3(a) of the Statutory Sick Pay Up-rating Order 1986(3) as not less than £74.50 they shall be treated as not less than £76.50 for the remainder of that period.

Signed by authority of the Secretary of State for Social Services

9th January 1987

*John Major*  
Minister of State,  
Department of Health and Social Security

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are either made under section 89(1) of the Social Security Act 1986 (“the 1986 Act”) or are consequential upon section 67(1) of that Act. Neither of those provisions have been in force for 12 months. Accordingly, the Regulations are exempt, by section 61(5) of the 1986 Act from reference to the Social Security Advisory Committee and are made without reference to that Committee.

Regulation 2 replaces the three rates of statutory sick pay with two rates.

Regulation 3 contains transitional provisions for those in receipt of the middle rate of statutory sick pay immediately before it was abolished and for those in receipt of the higher rate on 6th April 1987 whose normal weekly earnings were between £74.50 and £76.50 (inclusive).