
STATUTORY INSTRUMENTS

1995 No. 513

TERMS AND CONDITIONS OF EMPLOYMENT

**The Statutory Sick Pay Percentage Threshold
Order 1995 (Consequential) Regulations 1995**

<i>Made</i>	- - - -	<i>1st March 1995</i>
<i>Laid before Parliament</i>		<i>8th March 1995</i>
<i>Coming into force</i>	- -	<i>6th April 1995</i>

The Secretary of State for Social Security, in exercise of the powers conferred by sections 159A and 163(5) of the Social Security Contributions and Benefits Act 1992⁽¹⁾ and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals in respect of these Regulations should not be referred to it⁽²⁾, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Statutory Sick Pay Percentage Threshold Order 1995 (Consequential) Regulations 1995 and shall come into force on 6th April 1995.

Savings in respect of small employers' relief

2. Notwithstanding the revocation of the Statutory Sick Pay (Compensation of Employers) and Miscellaneous Provisions Regulations 1983⁽³⁾ and the Statutory Sick Pay (Small Employers' Relief) Regulations 1991⁽⁴⁾, those Regulations shall continue to have effect for the purposes of entitling an employer to recover an amount of statutory sick pay paid (whether before or after 6th April 1995) in respect of any day of incapacity for work before 6th April 1995⁽⁵⁾.

Amendment of the Statutory Sick Pay (General) Regulations 1982

3. The Statutory Sick Pay (General) Regulations 1982⁽⁶⁾ shall be amended by inserting after regulation 21 the following regulation:

(1) 1992 c. 4; section 159A was inserted by section 3(1) of the Statutory Sick Pay Act 1994 (c. 2).

(2) See section 173(1)(b) of the Social Security Administration Act 1992 (c. 5).

(3) S.I. 1983/376, amended by S.I. 1985/1411, 1991/694 and 1994/730.

(4) S.I. 1991/428, amended by S.I. 1992/797 and 1994/561.

(5) S.I. 1983/376 and 1991/428 were revoked, subject to the savings in these Regulations, by article 5 of the Statutory Sick Pay Percentage Threshold Order 1995 (S.I. 1995/512).

(6) S.I. 1982/894.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“Election to be treated as different employers not to apply to recovery of statutory sick pay

21A.—(1) Paragraph (2) below applies for the purposes of section 159A of the Contributions and Benefits Act (power to provide for recovery by employers of sums paid by way of statutory sick pay) and of any order made under that section(7).

(2) Where an employer has made 2 or more elections under regulation 3 of the Income Tax (Employments) Regulations 1993⁽⁸⁾ to be treated as a different employer in respect of each of the groups of employees specified in the election, the different employers covered by each of those elections shall be treated as one employer.”.

Signed by authority of the Secretary of State for Social Security.

1st March 1995

William Hague
Minister of State,
Department of Social Security

(7) See S.I. 1995/512.

(8) S.I. 1993/744.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are consequential on the coming into force of the Statutory Sick Pay Percentage Threshold Order 1995 (“the Percentage Threshold Order”), which allows employers to recover payments of statutory sick pay in excess of 13 per cent. of their liability for Class 1 contributions payments in any income tax month.

Regulation 2 provides for savings in respect of the regulations (revoked by the Percentage Threshold Order) which provided primarily for relief of small employers who had made payments of statutory sick pay.

Regulation 3 amends the Statutory Sick Pay (General) Regulations 1982 by inserting a new regulation 21A. This provides for an employer who elects to be treated as different employers for income tax purposes to be treated as one employer for the purposes of provisions relating to recovery of statutory sick pay.

These Regulations do not impose any costs on business. An assessment of the compliance costs of the Percentage Threshold Order has been made and a copy been placed in the libraries of both Houses of Parliament. Copies can be obtained by post from the Department of Social Security, Room 06/09A, Adelphi, 1 – 11 John Adam Street, London WC2N 6HT.