

2020 No. 287

SOCIAL SECURITY

**The Statutory Sick Pay (General) (Coronavirus Amendment)
Regulations 2020**

Made - - - - at 9.59 a.m. on 12th March 2020

Laid before Parliament at 4.00 p.m. on 12th March 2020

Coming into force 13th March 2020

The Secretary of State, in exercise of the powers conferred by sections 151(4), 153(6), 163(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(a), makes the following Regulations.

In accordance with section 173(1)(a) of the Social Security Administration Act 1992(b), it appears to the Secretary of State that by reason of the urgency of this matter it is inexpedient to refer the proposals in respect of these Regulations to the Social Security Advisory Committee.

Citation and commencement

1. These Regulations may be cited as the Statutory Sick Pay (General) (Coronavirus Amendment) Regulations 2020 and come into force on 13th March 2020.

Amendment of the Statutory Sick Pay (General) Regulations 1982

2.—(1) The Statutory Sick Pay (General) Regulations 1982(c) are amended as follows.

(2) In regulation 2 (persons deemed incapable of work)—

(a) in paragraph (1), in the introductory words, omit “either”;

(b) at the end of paragraph (1)(a), omit “or”;

(c) after paragraph (1)(b), insert—

“; or

(c) he is—

(i) isolating himself from other people in such a manner as to prevent infection or contamination with coronavirus disease, in accordance with guidance published by Public Health England, NHS National Services Scotland(d) or Public Health Wales(e) and effective on 12th March 2020; and

(a) 1992 c. 4. Section 151(4) was amended by paragraph 34 of Schedule 1 to the Social Security (Incapacity for Work) Act 1994 (c. 18). Section 163(1) is cited for the definition of “prescribed”.

(b) 1992 c. 5.

(c) S.I. 1982/894. Paragraph (1)(b) was substituted by S.I. 2006/799 and amended by S.I. 2011/2425.

(d) Established under section 10 of the National Health Service Scotland Act 1978 c. 29.

(e) Established under the National Health Service (Wales) Act 2006 c. 42.

(ii) by reason of that isolation is unable to work.”

(3) After paragraph (3) insert—

“(4) For the purposes of paragraph (1)(c)—

“Public Health England” means the executive agency of that name of the Department of Health and Social Care; and

“coronavirus disease” means COVID-19.”

Expiry

3.—(1) The Secretary of State must keep the operation of these Regulations under review.

(2) These Regulations cease to have effect at the end of the period of eight months beginning on the day on which they come into force.

Signed by authority of the Secretary of State for Work and Pensions

Mims Davies

Parliamentary Under-Secretary of State
Department for Work and Pensions

At 9.59 a.m. on 12th March 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Statutory Sick Pay (General) Regulations 1982 (“the 1982 Regulations”).

Regulation 2(1) of the 1982 Regulations provides for categories of people to be treated as incapable of work for the purposes of claiming statutory sick pay. These Regulations amend regulation 2(1) to provide that a person who is isolating himself from others in accordance with advice on coronavirus disease is deemed to be incapable of work. That guidance is published in digital form only on the following websites: www.gov.uk/guidance/coronavirus-covid-19-information-for-the-public; www.hps.scot.nhs.uk/a-to-z-of-topics/wuhan-novel-coronavirus; and www.phw.nhs.wales/topics/latest-information-on-novel-coronavirus-covid-19/.

There is a requirement for the Secretary of State to keep the Regulations under review, and they will cease to have effect eight months after they come into force.

No regulatory impact assessment has been produced for these Regulations in view of the urgency required to extend statutory sick pay to the new category of employees, in order to encourage self-isolation and to minimise the risks to public health arising from coronavirus disease.

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