

1991 No. 87

STATUTORY SICK PAY

**The Statutory Sick Pay (Rate of Payment) Order
(Northern Ireland) 1991**

Made 13th March 1991

Coming into operation 6th April 1991

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 9(1A)(a) of the Social Security (Northern Ireland) Order 1982(a) and of all other powers enabling it in that behalf, hereby makes the following order:

Citation, commencement and interpretation

1.—(1) This order may be cited as the Statutory Sick Pay (Rate of Payment) Order (Northern Ireland) 1991 and shall come into operation on 6th April 1991, immediately after the coming into operation of Article 9 of the Social Security Benefits Up-rating Order (Northern Ireland) 1991(b).

(2) In this order “the Order” means the Social Security (Northern Ireland) Order 1982.

Substitution of provisions in Article 9(1) of the Order

2. For paragraph (1) of Article 9 of the Order(c), there shall be substituted the following paragraph—

“(1) Statutory Sick Pay shall be payable by an employer at the weekly rate of—

(a) £52·50, in a case where the employee’s normal weekly earnings under his contract of service with that employer are not less than £185; or

(b) £43·50, in any other case.”.

Transitional provisions

3. Where in relation to statutory sick pay a period of entitlement as between an employer and an employee is running at 6th April 1991 and the

(a) S.I. 1982/1084 (N.I. 16); Article 9(1A) was inserted by Article 68(1) of the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18)) and amended by paragraph 11(1) of Schedule 6 to the Social Security (Northern Ireland) Order 1990 (S.I. 1990/1511 (N.I. 15)). Article 36(1) provides for section 155(3) of the Social Security (Northern Ireland) Act 1975 (c. 15) (extent of powers) to apply to the regulation-making powers conferred by this Order; the said section 155(3) was amended by paragraph 9(1) of Schedule 8 to the Social Security (Northern Ireland) Order 1989 (S.I. 1989/1342 (N.I. 13)).

(b) S.R. 1991 No. 77

(c) Paragraph (1) was substituted by regulation 2 of S.R. 1990 No. 73

employee's normal weekly earnings under his contract of service with that employer are not less than, or are treated for the purposes of Article 9(1) of the Order as not less than, £125·00 they shall be treated for the purposes of that Article as not less than £185·00 for the remainder of that period.

Revocations

4. Regulation 2 of the Statutory Sick Pay (Rate of Payment) Regulations (Northern Ireland) 1990(a) is hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services on 13th March 1991.

(L.S.)

A. N. Burns

Assistant Secretary

(a) S.R. 1990 No. 73

EXPLANATORY NOTE

(This note is not part of the Order.)

This Order, which comes into operation on 6th April 1991, substitutes alternative provisions for paragraph (1) of Article 9 of the Social Security (Northern Ireland) Order 1982 (rate of payment). The new provisions increase the lower rate of statutory sick pay from £39·25 to £43·50 per week. The higher rate remains unchanged at £52·50 per week. In addition the earnings band is altered so that the higher rate becomes payable where the employee's earnings are normally £185 or more per week (increased from £125 or more per week) (Article 2).

Article 3 contains transitional provisions for those employees who are incapable of work at the time of the change and would otherwise move from the higher to the lower rate of statutory sick pay.

Article 4 contains a consequential revocation.

This order corresponds to provision contained in an order made by the Secretary of State for Social Security in relation to Great Britain and accordingly, by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30), is not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.