



# Statutory Sick Pay Act 1994

## 1994 CHAPTER 2

### 3 Power to make further provision as to recovery.

- (1) In Part XI of the <sup>M1</sup>Social Security Contributions and Benefits Act 1992 (statutory sick pay), after section 159 insert—

**“159A Power to provide for recovery by employers of sums paid by way of statutory sick pay.**

- (1) The Secretary of State may by order provide for the recovery by employers, in accordance with the order, of the amount (if any) by which their payments of, or liability incurred for, statutory sick pay in any period exceeds the specified percentage of the amount of their liability for contributions payments in respect of the corresponding period.
- (2) An order under subsection (1) above may include provision—
- (a) as to the periods by reference to which the calculation referred to above is to be made,
  - (b) for amounts which would otherwise be recoverable but which do not exceed the specified minimum for recovery not to be recoverable,
  - (c) for the rounding up or down of any fraction of a pound which would otherwise result from a calculation made in accordance with the order, and
  - (d) for any deduction from contributions payments made in accordance with the order to be disregarded for such purposes as may be specified,
- and may repeal sections 158 and 159 above and make any amendments of other enactments which are consequential on the repeal of those sections.
- (3) In this section—
- “contributions payments” means payments which a person is required by or under any enactment to make in discharge of any liability of his as an employer in respect of primary or secondary Class 1 contributions; and

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*Changes to legislation: There are currently no known outstanding effects for the Statutory Sick Pay Act 1994, Section 3. (See end of Document for details)*

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“specified” means specified in or determined in accordance with an order under subsection (1).

- (4) The Secretary of State may by regulations make such transitional and consequential provision, and such savings, as he considers necessary or expedient for or in connection with the coming into force of any order under subsection (1) above.”.
- (2) In section 176(1)(c) of the <sup>M2</sup>Social Security Contributions and Benefits Act 1992 (parliamentary control: orders subject to affirmative procedure), at the appropriate place insert “ section 159A(1) ”.
- (3) The Secretary of State—
- (a) shall lay before each House of Parliament the draft of an order under section 159A(1) of the <sup>M3</sup>Social Security Contributions and Benefits Act 1992 (inserted by subsection (1) above) framed so as to come into force on or before 6th April 1995, and
- (b) if the draft order is approved by a resolution of each House of Parliament, shall make the order in the form of the draft,
- unless before 1st December 1994 he lays before each House of Parliament a report explaining why he does not intend to make such an order.

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**Marginal Citations**

**M1** 1992 c. 4.

**M2** 1992 c. 4.

**M3** 1992 c. 4.

**Changes to legislation:**

There are currently no known outstanding effects for the Statutory Sick Pay Act 1994, Section 3.