

1987 No. 868

TERMS AND CONDITIONS OF EMPLOYMENT

**The Statutory Sick Pay (General) Amendment (No.2)
Regulations 1987**

<i>Made</i> - - - -	<i>12th May 1987</i>
<i>Laid before Parliament</i>	<i>14th May 1987</i>
<i>Coming into force</i>	<i>7th June 1987</i>

The Secretary of State for Social Services, in exercise of the powers conferred by sections 3(4A)(b) and (5), 26(1) and (3) and 47 of, and paragraph 1 of Schedule 1 to, the Social Security and Housing Benefits Act 1982(a), and of all other powers enabling him in that behalf, after agreement by the Social Security Advisory Committee that proposals to make these Regulations should not be referred to it(b), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Statutory Sick Pay (General) Amendment (No.2) Regulations 1987 and shall come into force on 7th June 1987.

(2) In these Regulations, “the General Regulations” means the Statutory Sick Pay (General) Regulations 1982(c).

Period of entitlement ending or not arising

2. In regulation 3 of the General Regulations, after paragraph (3) there shall be added the following paragraphs:

“(4) Where a period of entitlement is current as between an employee and her employer and the employee –

- (a) is or was pregnant,
- (b) has reached or been confined before reaching the day immediately preceding the 6th week before the expected week of confinement, and
- (c) is not by virtue of that pregnancy or confinement entitled to statutory maternity pay under Part V of the Social Security Act 1986(d) or to maternity allowance under section 22 of the Social Security Act 1975(e),

the period of entitlement shall end on that day, or if earlier, on the day she was confined.

(a) 1982 c.24; section 3(4A)(b) was inserted by section 18(5) of the Social Security Act 1985 (c.53). Section 26(1) is cited because of the meaning ascribed to the word “prescribed” and section 47 because of the meaning ascribed to the word “regulations”. (b) See section 10(2)(b) of the Social Security Act 1980 (c.30). (c) S.I.1982/894. (d) 1986 c.50. (e) 1975 c.14.

(5) Where an employee –

- (a) has been confined or has reached the beginning of the 6th week before the expected week of her confinement, and
- (b) is not either by virtue of or in expectation of that confinement entitled to statutory maternity pay under Part V of the Social Security Act 1986(a) or to maternity allowance under section 22 of the Social Security Act 1975(b),

a period of entitlement as between her and her employer shall not arise in relation to a period of incapacity for work where the first day in that period falls within 18 weeks of the beginning of the 6th week before her expected week of confinement, or if earlier, of the week in which she was confined.

(6) In paragraphs (4) and (5) “confinement” and “confined” have the same meanings as in section 50 of the Social Security Act 1986.”.

Statements relating to payment of statutory sick pay

3. In regulation 15A of the General Regulations(c) (statements relating to the payment of statutory sick pay) –

- (a) in paragraph (1) for sub-paragraph (c), there shall be substituted the following sub-paragraph –
 - “(c) the employer is or was liable to make a payment of statutory sick pay to the employee in respect of any week within that period, and for this purpose a week includes any days rounded up to a week in accordance with paragraph (4),”; and
- (b) in paragraph (2)(b) the words “and days” shall be omitted.

Meaning of “earnings”

4. In regulation 17 of the General Regulations (meaning of earnings) –

- (a) in paragraph (2), sub-paragraph (f) is revoked, and
- (b) in paragraph (3), after sub-paragraph (g) there shall be added the following sub-paragraph –
 - “(h) any sum payable by way of statutory maternity pay under Part V of the Social Security Act 1986, including sums payable in accordance with regulations made under section 46(8)(b) of that Act.”.

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

12th May 1987

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

(a) 1986 c.50. (b) 1975 c.14. (c) Regulation 15A was inserted by S.I. 1986/477, regulation 7.

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Section 3 of the Social Security and Housing Benefits Act 1982, as amended by the Social Security Act 1986, section 86, Schedule 10, paragraph 77, prevents a woman entitled to either statutory maternity pay or a maternity allowance from also receiving statutory sick pay. Regulation 2 makes further provision preventing a woman who is not entitled to either benefit from receiving statutory sick pay for a period of 18 weeks at the time of confinement.

Regulation 3 makes minor changes to the provisions governing statements required to be completed by employers in connection with payments of statutory sick pay.

Regulation 4 provides that for the purposes of statutory sick pay the expression "earnings" includes payments of statutory maternity pay. It also revokes a provision which is now otiose.