

## STATUTORY INSTRUMENTS

# 2020 No. 374

## The Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations 2020

### Citation and commencement

1. These Regulations may be cited as the Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations 2020 and come into force on 28th March 2020.

#### Commencement Information

**II** Reg. 1 in force at 28.3.2020, see [reg. 1](#)

### Suspension of waiting days

2.—(1) Section 155(1) (limitations on entitlement) of the Social Security Contributions and Benefits Act 1992 (“the 1992 Act”) does not apply in relation to an employee where—

- (a) that employee's period of incapacity for work is related to coronavirus; and
- (b) the first day of incapacity for work in that period arose on or after 13th March 2020.

(2) Paragraph (1) applies in relation to a day of incapacity for work that falls on or after 13th March 2020.

(3) In this regulation—

- (a) “period of incapacity for work” has the meaning given by section 152 of the 1992 Act; and
- (b) a period of incapacity for work is related to coronavirus if the employee is—

- (i) incapable by reason of infection or contamination with coronavirus, or
- (ii) deemed, in accordance with regulation 2(1)(c) [<sup>F1</sup>or (d)] of the Statutory Sick Pay (General) Regulations 1982 <sup>M1</sup>, to be incapable by reason of coronavirus, of doing work which the employee can reasonably be expected to do under the employee's contract of service.

(4) The reference to regulation 2(1)(c) [<sup>F2</sup>or (d)] in paragraph (3)(b) above is a reference to the regulation which was in force on the first day of incapacity for work in question.

**F1** Words in reg. 2(3)(b)(ii) inserted (6.7.2020) by [The Statutory Sick Pay \(Coronavirus\) \(Suspension of Waiting Days and General Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/681\)](#), regs. 1, 3 (with savings in [S.I. 2022/381](#), regs. 1(1), 2)

**F2** Words in reg. 2(4) inserted (6.7.2020) by [The Statutory Sick Pay \(Coronavirus\) \(Suspension of Waiting Days and General Amendment\) \(No. 2\) Regulations 2020 \(S.I. 2020/681\)](#), regs. 1, 3 (with savings in [S.I. 2022/381](#), regs. 1(1), 2)

*Changes to legislation: There are currently no known outstanding effects for the The Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations 2020. (See end of Document for details)*

**Modifications etc. (not altering text)**

- C1** [Reg. 2](#) savings provision (25.3.2022) by [The Statutory Sick Pay \(Coronavirus\) \(Suspension of Waiting Days\) \(Saving Provision\) Regulations 2022 \(S.I. 2022/381\)](#), regs. 1(1), 2

**Commencement Information**

- I2** [Reg. 2](#) in force at 28.3.2020, see [reg. 1](#)

**Marginal Citations**

- M1** [S.I. 1982/894](#). Paragraph (1)(c) was inserted by [S.I. 2020/287](#), and amended by [S.I. 2020/304](#) and regulation 3 of these Regulations.

**Amendment of the Statutory Sick Pay (General) Regulations 1982**

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

(2) In regulation 2(1)(c)(i) (persons deemed incapable of work) for the words starting with “guidance published by” to the end of the paragraph (i) substitute “ the Schedule ”.

(3) In regulation 2(4) omit the definition of “Public Health England”.

(4) After regulation 21A insert the Schedule set out in the Schedule to these Regulations.

**Commencement Information**

- I3** [Reg. 3](#) in force at 28.3.2020, see [reg. 1](#)

**Amendment of the Statutory Sick Pay (General) (Coronavirus Amendment) Regulations 2020**

4. Omit regulation 3 (expiry) of the Statutory Sick Pay (General) (Coronavirus Amendment) Regulations 2020 <sup>M2</sup>.

**Commencement Information**

- I4** [Reg. 4](#) in force at 28.3.2020, see [reg. 1](#)

**Marginal Citations**

- M2** [S.I. 2020/287](#).

**Amendment of the Statutory Sick Pay (General) (Coronavirus Amendment) (No. 2) Regulations 2020**

5. Omit regulation 3 (expiry) of the Statutory Sick Pay (General) (Coronavirus Amendment) (No. 2) Regulations 2020 <sup>M3</sup>.

**Commencement Information**

- I5** [Reg. 5](#) in force at 28.3.2020, see [reg. 1](#)

**Marginal Citations**

- M3** [S.I. 2020/304](#).

Department for Work and Pensions

*Thérèse Coffey*  
Secretary of State

**Changes to legislation:**

There are currently no known outstanding effects for the The Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations 2020.