

**2021 No. 1453**

**SOCIAL SECURITY**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The Statutory Sick Pay (Medical Evidence) Regulations 2021**

*Made - - - at 9.29 a.m. on 16th December 2021*

*Laid before Parliament at 2.00 p.m. on 16th December 2021*

*Coming into force - - 17th December 2021*

The Secretary of State, with the concurrence of the Commissioners for Her Majesty's Revenue and Customs<sup>(a)</sup>, makes the following Regulations in exercise of the powers conferred by sections 14(2)(b), 189(1), (4) and (5) and 191 of the Social Security Administration Act 1992<sup>(b)</sup>.

In accordance with section 173(1)(a) of the Social Security Administration Act 1992<sup>(c)</sup>, 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, commencement, extent and interpretation**

**1.**—(1) These Regulations may be cited as the Statutory Sick Pay (Medical Evidence) Regulations 2021.

(2) These Regulations come into force on 17th December 2021.

(3) These Regulations extend to England and Wales and Scotland.

(4) In these Regulations—

“the 1985 Regulations” means the Statutory Sick Pay (Medical Evidence) Regulations 1985<sup>(d)</sup>;

“spell of incapacity for work” has the meaning given by regulation 2(2) of the 1985 Regulations.

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<sup>(a)</sup> By virtue of section 14(2) and 191 of the Social Security Administration Act 1992 (c. 5) regulations made by the Secretary of State pursuant to section 14(2) of that Act require the concurrence of the Commissioners of Inland Revenue. By virtue of section 50(1) of the Commissioners for Revenue and Customs Act 2005 (c. 11) references to the Commissioners of Inland Revenue in enactments are to be taken as references to the Commissioners for Her Majesty's Revenue and Customs.

<sup>(b)</sup> 1992 c. 5. Section 14(2) was amended by paragraph 42 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2). Section 189(1) was amended by paragraph 109 of Schedule 7 and Schedule 8 to the Social Security Act 1998 (c. 14), by paragraph 57(1) and (2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), and by Schedule 6 to the Tax Credits Act 2002 (c. 21). Section 189(4) was amended by paragraph 109 of Schedule 7 to the Social Security Act 1998 and by part 1 of Schedule 1 to the Public Bodies (Abolition of the Disability Living Allowance Advisory Board) Order 2013 (S.I. 2013/252). Section 191 is cited for the definition of “prescribe” and was amended by paragraph 10 of Schedule 5 to the Welfare Reform Act 2007 (c. 5).

<sup>(c)</sup> 1992 c. 5.

<sup>(d)</sup> S.I. 1985/1604. A relevant amending instrument is S.I. 2010/137.

## Modification of the 1985 Regulations

2.—(1) Where this regulation applies, regulation 2(2) of the 1985 Regulations has effect as if for “7 days” there were substituted “28 days”.

(2) Regulation 2(1) applies in relation to a person who has a spell of incapacity for work which—

- (a) has commenced prior to the date on which these Regulations come into force but which, on that date, has lasted for no longer than 7 days; or
- (b) commences on any day during the inclusive period which—
  - (i) begins with the date on which these Regulations come into force; and
  - (ii) ends at the end of 26th January 2022.

Signed by

At 9.29 a.m. on 16th December 2021

*Thérèse Coffey*  
Secretary of State  
Department for Work and Pensions

The Commissioners for Her Majesty’s Revenue and Customs hereby concur.

At 9.15 a.m. on 16th December 2021  
Customs

*Myrtle Lloyd*  
*Joanne Rowland*

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Regulation 2(1) of these Regulations modifies the Statutory Sick Pay (Medical Evidence) Regulations 1985 to provide that an employee shall not be required to provide medical information in respect of the first 28 days of any spell of incapacity for work. Regulation 2(2) limits the application of this modification to spells of incapacity for work which either start during the period 17th December to 26th January or which commence prior to the Regulations coming into force but which have not lasted more than 7 days on that date (and hence the requirement to provide medical evidence has not yet arisen).

A full impact assessment has not been produced for this instrument as it makes provision which is to have effect for a period of less than 12 months.

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