

2022 No. 987

SOCIAL SECURITY, NORTHERN IRELAND

The Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days) (Saving Provision) (Northern Ireland) Regulations 2022

Made - - - - 23rd September 2022

Coming into force - - 25th September 2022

The Secretary of State makes the following Regulations in exercise of the power conferred by section 89(3) of the Coronavirus Act 2020(a).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days) (Saving Provision) (Northern Ireland) Regulations 2022 and come into force on 25th September 2022.

(2) These Regulations extend to Northern Ireland.

Saving provision related to the suspension of waiting days

2.—(1) Despite the expiry of section 43 of the Coronavirus Act 2020(b), regulation 2 of the Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations (Northern Ireland) 2020(c) (“the 2020 Regulations”) shall continue to have effect as set out in this regulation.

(2) Regulation 2 of the 2020 Regulations shall continue to have effect in relation to a period of incapacity for work which is related to coronavirus where that period of incapacity for work begins on or before 24th September 2022.

(3) In this regulation—

- (a) “period of incapacity for work” has the meaning given by section 148 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(d); and
- (b) whether a period of incapacity for work is related to coronavirus is to be determined in accordance with regulation 2(3)(b) of the 2020 Regulations.

23rd September 2022

Chloe Smith
Secretary of State
Department for Work and Pensions

(a) 2020 c. 7. Section 85 gives the meaning of “Minister of the Crown”.

(b) Section 43 of the Coronavirus Act 2020 expires at midnight on 24th September 2022 by virtue of the Coronavirus Act 2020 (Delay in Expiry: Inquests, Courts and Tribunals, and Statutory Sick Pay) (England and Wales and Northern Ireland) Regulations 2022 (S.I. 2022/362). Regulations made under section 43 of the 2020 Act also expire at the same time, except as provided for in these Regulations.

(c) S.R. 2020/54. This instrument has been amended by S.R. 2020/134.

(d) 1992 c. 7.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 makes saving provision related to the expiry of section 43 of the Coronavirus Act 2020. Section 43 allowed regulations to disapply section 151(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (which provides that Statutory Sick Pay is not payable for the first 3 days of a period of incapacity for work) where a period of incapacity for work is related to coronavirus. Section 43 expires at midnight on 24th September 2022 and, as a result, regulation 2 of the Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations (Northern Ireland) 2020 (“the 2020 Regulations”), which was made under that power, also expires. The effect of regulation 2 of the 2020 Regulations was that Statutory Sick Pay was payable from day 1 of a period of incapacity for work which is related to coronavirus, as opposed to day 4 as would otherwise be the case.

Regulation 2(1) and (2) makes saving provision by providing that regulation 2 of the 2020 Regulations continues to have effect where a period of incapacity for work relating to coronavirus commences on or before 24th September 2022.

A full impact assessment has not been produced for this instrument due to the urgency required to make these Regulations in time to align with the expiry of section 43.

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