STATUTORY RULES OF NORTHERN IRELAND

# 2020 No. 54

# SOCIAL SECURITY

## TERMS AND CONDITIONS OF EMPLOYMENT

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

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|---|---|
| *Made - - - -* | *at 11.50 a.m. on 27th March 2020* |
| *Laid - - - -* | *at 4.00 p.m. on 27th March 2020* |
| *Coming into operation* | *28th March 2020* |

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 147(4) and (4A), 159(1) and 171(1) and (3) to (5A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 [F1] and section 43(1) to (4) of the Coronavirus Act 2020 [F2].

Those powers are exercisable by the Secretary of State by virtue of Article 4(1) of the Welfare Reform (Northern Ireland) Order 2015 [F3].

**F1** 1992 c. 7. Section 147(4) was amended by SR.1994/1898. Section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21). Section 147(4A) and section 171(5A) were inserted by section 44 of the Coronavirus Act 2020 (c.7)

**F2** 2020 c.7

**F3** Article 4(1) was amended by Article 4(2)(a) of the Welfare Reform and Work (Northern Ireland) Order 2016 (S.I.2016/999 (N.I. 1))

### Citation and commencement

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

### Suspension of waiting days

**2.**—(1) Section 151(1) (limitations on entitlement) of the Social Security Contributions and Benefits (Northern Ireland) 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 148 of the 1992 Act;

(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) **[**F4or (d)**]** of the Statutory Sick Pay (General) Regulations (Northern Ireland) 1982 F5 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 2(1)(c) **[**F6or (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.

**F4** 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 (Northern Ireland) 2020 (S.R. 2020/134), regs. 1, **3**

**F5** S.R. 1982 No. 263. Regulation 2(1)(c) was inserted by regulation 2(2)(c) of S.R. 2020 No. 32 and amended by regulation 2(2)(b) of S.R. 2020 No. 37

**F6** Words in reg. 2(4) inserted (6.7.2020) by virtue of The Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) (No.2) Regulations (Northern Ireland) 2020 (S.R. 2020/134), regs. 1, **3**

### Amendment of the Statutory Sick Pay (General) Regulations (Northern Ireland) 1982

**3.**—(1) The Statutory Sick Pay (General) Regulations (Northern Ireland) 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 paragraph (i) substitute " the Schedule ".

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

### Amendment of the Statutory Sick Pay (General) (Coronavirus Amendment) Regulations (Northern Ireland) 2020

**4.** Omit regulation 3 (expiry) of the Statutory Sick Pay (General) (Coronavirus Amendment) Regulations (Northern Ireland) 2020 F7.

**F7** S.R.2020 No.32

### Amendment of the Statutory Sick Pay (General) (Coronavirus Amendment) (No.2) Regulations (Northern Ireland) 2020

**5.** Omit regulation 3 (expiry) of the Statutory Sick Pay (General) (Coronavirus Amendment) (No.2) Regulations (Northern Ireland) 2020 F8.

**F8** S.R.2020 No.37

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