1994 No. 103

STATUTORY SICK PAY

The Statutory Sick Pay (Northern Ireland) Order 1994 (Consequential) Regulations (Northern Ireland) 1994

Made . . . . . *23rd March 1994*

Coming into operation . . *6th April 1994*

The Department of Health and Social Services for Northern Ireland, in exercise of the powers conferred on it by section 154(1)(*a*) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**a**), section 77(1) of the Social Security Administration (Northern Ireland) Act 1992(**b**) and Article 4 of the Statutory Sick Pay (Northern Ireland) Order 1994(**c**) and of all other powers enabling it in that behalf, by this statutory rule, which contains only regulations made consequential upon the Statutory Sick Pay (Northern Ireland) Order 1994, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Statutory Sick Pay (Northern Ireland) Order 1994 (Consequential) Regulations (Northern Ireland) 1994 and shall come into operation on 6th April 1994.

(2) In these regulations—

"the Contributions and Benefits Act" means the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

"the Order" means the Statutory Sick Pay (Northern Ireland) Order 1994;

"the Compensation of Employers Regulations" means the Statutory Sick Pay (Compensation of Employers) and Miscellaneous Provisions Regulations (Northern Ireland) 1983(**d**);

"the Recoupment Regulations" means the Social Security (Recoupment) Regulations (Northern Ireland) 1990(**e**).

(3) The Interpretation Act (Northern Ireland) 1954(**f**) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

(a) 1992 c. 7; section 154(1) is amended by Article 3(1) of the Statutory Sick Pay (Northern Ireland) Order 1994 (S.I. 1994/766 (N.I. 5)) with effect from 6th April 1994

(b) 1992 c. 8

(c) S.I. 1994/766 (N.I. 5)

(d) S.R. 1983 No. 54; relevant amending regulations are S.R. 1991 No. 138

(e) S.R. 1990 No. 85; relevant amending regulations are S.R. 1991 No. 138

(f) 1954 c. 33 (N.I.)

Amendment of the Compensation of Employers Regulations

2. In regulation 2(1) of the Compensation of Employers Regulations (deductions from contributions payments) "", and an amount equal to 80 per cent. of the aggregate of such of those payments as do not so qualify,'' shall be omitted.

Amendment of the Recoupment Regulations

3. In regulation 2 of the Recoupment Regulations (relevant benefits) paragraphs 1(*l*) and (2A) shall be omitted.

Transitional provisions relating to the Compensation of Employers Regulations

4. The Compensation of Employers Regulations shall continue to have effect for the purpose of entitling an employer to recover an amount equal to 80 per cent. of the aggregate of any payments of statutory sick pay paid, (whether before or after 6th April 1994) which does not qualify for small employers' relief, in respect of any day of incapacity for work before 6th April 1994 as if Article 3 of the Order had not been enacted and regulation 2 had not come into operation.

Transitional provisions relating to the Recoupment Regulations

5. The Recoupment Regulations shall continue to have effect for the purpose of entitling the Department to recover—

(*a*) an amount equal to any payment of statutory sick pay paid between 1st January 1989 and 5th April 1991; and

(*b*) an amount equal to 80 per cent. of any payment of statutory sick pay paid between 6th April 1991 and 5th April 1994,

from compensation payments, as if Article 3(2) of the Order had not been enacted and regulation 3 had not come into operation.

Transitional provisions relating to statutory sick pay for women over the age of 60

6.—(1) Subject to paragraph (2), where a woman over the age of 60 has a period of incapacity for work in relation to her contract of service and that period of incapacity for work began before 6th April 1994 and had not come to an end before that date, a period of entitlement to statutory sick pay shall be deemed to arise subject to the provisions of section 149(3) of, and Schedule 11 to, the Contributions and Benefits Act, on the first day of incapacity arising on or after 6th April 1994.

(2) Where a woman over the age of 60 receives remuneration under a contract of service and such remuneration is equal to, or more than the appropriate rate of statutory sick pay as specified in section 153(1) of the Contributions and Benefits Act(**a**), no period of entitlement to statutory sick pay will arise.

(**a**) Section 153(1)(*a*) and (*b*) are substituted by Article 2 of S.R. 1994 No. 82 with effect from 6th April 1994