1986 No. 83

STATUTORY SICK PAY

The Statutory Sick Pay (General) (Amendment) Regulations (Northern Ireland) 1986

Made	*28th March 1986*
Coming into operation . . .	*6th April 1986*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 4 (3A), 5(4A) and (5), 7(5), 19(4), 20 and 22 of the Social Security (Northern Ireland) Order 1982(**a**) and Article 1(8) of the Social Security (Northern Ireland) Order 1985(**b**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Statutory Sick Pay (General) (Amendment) Regulations (Northern Ireland) 1986 and shall come into operation on 6th April 1986.

(2) In these regulations "the principal regulations" means the Statutory Sick Pay (General) Regulations (Northern Ireland) 1982(**c**).

Linking periods of incapacity for work

2.—(1) After regulation 2 of the principal regulations there shall be inserted the following regulation—

"*Linking periods of incapacity for work*

2A. In Article 4(3), 8 weeks shall be substituted for two weeks.".

(2) Paragraph (1) shall be disregarded for the purpose of determining whether two periods of incapacity for work shall be treated as a single period of incapacity for work if one of those periods ended before 6th April 1986.

Period of entitlement ending

3. In regulation 3 of the principal regulations, after paragraph (2) there shall be inserted the following paragraph—

"(3) A period of entitlement as between an employee and his employer shall end after 3 years if it has not otherwise ended in accordance with Article 5(2) or with regulations (other than this paragraph) made under Article 5(5).".

Maximum entitlement to statutory sick pay in a period of entitlement

4. After regulation 3 of the principal regulations there shall be inserted the following regulation—

"*Maximum entitlement to statutory sick pay in a period of entitlement*

3A.—(1) For the purpose of determining whether an employee's maximum entitlement to statutory sick pay has been reached in a period of entitlement as

---

(**a**) S.I. 1982/1084 (N.I. 16); Articles 4(3A) and 5(4A) were inserted by, and Article 7(5) was amended by, Article 18 of the Social Security (Northern Ireland) Order 1985 (S.I. 1985/1209 (N.I. 16)) and Article 22 was amended by paragraph 30 of Schedule 5 to that Order

(**b**) S.I. 1985/1209 (N.I. 16)

(**c**) S.R. 1982 No. 263; the relevant amending regulations are S.R. 1984 No. 91

between him and an employer of his, days falling within a previous period of entitlement as between the employee and any person who is or has in the past been an employer of his are, subject to paragraph (3), to be counted in the circumstances specified in paragraph (2).

(2) The circumstances specified for the purpose of paragraph (1) are—

(*a*) the period of entitlement as between the employee and his employer arose not more than 8 weeks after the last day in respect of which a person who is or has in the past been an employer of his was liable to make to him a payment of statutory sick pay; and either

(*b*) the employee has provided his employer with a statement issued in accordance with regulation 15A by a previous employer of his—

(i) on or before the seventh day after the first qualifying day in the period of entitlement, or

(ii) within such longer period as the employer may require,

so however that where an employee shows good cause for delay in providing the statement, he may provide it later than the time specified in heads (i) and (ii) but not later than the 91st day after the first qualifying day in the period of entitlement; or

(*c*) the employer has himself issued such a statement to the employee.

(3) Where an employee provides his employer with more than one statement or the employer himself issued more than one statement such as is referred to in paragraph (2), the employer shall have regard to one only of those statements and if the number of weeks specified in the statements is not the same he shall have regard to the statement which specifies the greatest number of weeks.

(4) For the purposes of paragraph (2)(*b*) a statement enclosed in an envelope which is properly addressed and sent by prepaid post shall be deemed to have been provided on the day on which it was posted.

(5) The employer shall return the statement to the employee where—

(*a*) a period of entitlement does not arise as between the employee and his employer, or

(*b*) the employee leaves his employment with the employer within 8 weeks of its commencement, and the employer is not himself required to provide the employee with a statement in accordance with regulation 15A,

and in such cases regulation 13(2) shall not apply to him.''.

Calculation of entitlement limit

5.—(1) Regulation 6 of the principal regulations shall be amended in accordance with the following provisions of this regulation.

(2) In paragraph (1) the words ''or tax year'', '', or, as the case may be, (4) and (5)'' and ''or (4)(*a*)(ii) or (*d*)(ii)'' shall be omitted.

(3) In paragraph (3) for ''8'' there shall be substituted ''28''.

(4) Paragraphs (4) and (5) are hereby revoked.

Records to be maintained by employers

6. Regulation 13 of the principal regulations shall be renumbered paragraph (1) of that regulation and at the end of that regulation there shall be inserted the following paragraphs—

''(2) Subject to the following provisions of this regulation, and to regulation 3A(5), where an employee has a period of incapacity for work in relation to his contract of service with his employer, then that employer shall retain any statement which—

(*a*) was provided by the employee, and

(*b*) was issued to that employee in accordance with regulation 15A by a person who was his employer.

(3) An employer who issues a statement to an employee in accordance with regulation 15A shall retain a complete copy of that statement.

(4) Where the whole of the information contained on the written statement referred to in paragraph (2) or (3) is also recorded in a form in which it can be processed by equipment operating automatically in response to instructions given for that purpose, the employer may retain that record instead of the written statement.

(5) The statement or, as the case may be, information retained by the employer in accordance with paragraphs (2) to (4) shall be retained by him for 3 years after the end of the tax year to which the information relates.''.

Provision of information by employers to employees

7.—(1) Regulation 15 of the principal regulations shall be amended in accordance with the following provisions of this regulation.

(2) For sub-paragraphs (*a*) and (*b*) of paragraph (3) there shall be substituted the following sub-paragraphs—

''(*a*) the information mentioned in paragraph (1) is a statement informing the employee of—

(i) the reason why the period of entitlement ended;

(ii) the date of the first day in the period of entitlement or where the employer has taken into account days falling within a previous period of entitlement as between the employee and a person who is or was an employer of his, the date of the first day in that previous period of entitlement;

(iii) the date of the last day in respect of which the employer is or was liable to make a payment of statutory sick pay to him;

(iv) the number of qualifying days falling within the last week (beginning with Sunday) in the period of entitlement in which the employer is or was liable to make to him a payment of statutory sick pay; and either

(v) where the period of entitlement ends otherwise than by virtue of Article 5(2)(*b*), the number of weeks (a week being 7 days beginning with Sunday) and days in respect of which the employer was liable to make a payment of statutory sick pay to him in that period of entitlement; or

(vi) where the period of entitlement ends otherwise than by virtue of Article 5(2)(*b*) and where the employee provided the employer with a statement issued to him in accordance with regulation 15A by a person who is or was an employer of his, the number of weeks (a week being 7 days beginning with Sunday) and days in respect of which he and the previous employer were together liable to make a payment of statutory sick pay to him; and

(*b*) the statement shall be furnished not more than 7 days after the day on which the period of entitlement ended, or if earlier, on the day on which it is already required to be furnished under paragraph (4).''.

(3) For sub-paragraphs (*a*) and (*b*) of paragraph (4) there shall be substituted the following sub-paragraphs—

''(*a*) the information mentioned in paragraph (1) is a statement informing the employee of—

(i) the reason why the period of entitlement is expected to end;