STATUTORY INSTRUMENTS

1994 No. 766 (N.I. 5)

The Statutory Sick Pay (Northern Ireland) Order 1994

- - - - - - *15th March 1994*

Title and commencement

1.—(1) This Order may be cited as the Statutory Sick Pay (Northern Ireland) Order 1994.

(2) Article 3 comes into operation on 6th April 1994; and the other provisions of this Order come into operation on the expiration of seven days from the day on which the Order is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954[F1] applies to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order "the Department" means the Department of Health and Social Services.

Annotations:

F1 1954 c. 33 (NI)

Restriction of employers' right of recovery

3.—(1) In section 154(1)(a) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992[F2] (recovery by employers of amounts paid by way of statutory sick pay), sub-paragraph (ii) (recovery of 80 per cent. of payments not qualifying for small employers' relief) shall be omitted.

(2) In consequence the following are repealed—

(a) that sub-paragraph and the word "and" preceding it, and

(b) section 77(2) of the Social Security Administration (Northern Ireland) Act 1992[F3];

[F4] . . . . . .

Annotations:

F2 1992 c. 7

F3 1992 c. 8

F4 Words in art. 3(2) repealed (1.10.2006) by The Employment Equality (Age) Regulations (Northern Ireland) 2006 (S.R. 2006/261), regs. 1(1), 53(1)(2), **Sch. 7 para. 2(2)**, **Sch. 8** (with reg. 50)

Transitional and other supplementary provisions

4.—(1) The Department may by regulations make such transitional and consequential provision, and such savings as it considers necessary or expedient for or in connection with the coming into operation of Article 3 or the operation of any enactment repealed or amended by that Article during any period when the repeal or amendment is not wholly in operation.

(2) Subsections (3) and (4) of section 171 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (general provisions as to regulations and orders) apply in relation to the power conferred by paragraph (1) as they apply in relation to a power conferred by that Act to make regulations.

(3) Regulations under paragraph (1), other than those to which paragraph (4) applies, shall be subject to negative resolution.

(4) This paragraph applies to regulations under paragraph (1) which are contained in a statutory rule which includes any regulations subject to the confirmatory procedure.

(5) Regulations to which paragraph (4) applies shall be subject to the confirmatory procedure.

(6) The provisions of this Order apply to the Crown, and in relation to persons employed by or under the Crown, to the same extent as the provisions amended or repealed by Article 3.

(7) In this Article "the confirmatory procedure" means the procedure described in section 172(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.

Power to make further provision as to recovery

5.—(1) After section 155 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 insert—

"**Power to provide for recovery by employers of sums paid by way of statutory sick pay.**

155A.—(1) The Department may by order provide for the recovery by employers, in accordance with the order, of the amount (if any) by which their payments of, or liability incurred for, statutory sick pay in any period exceeds the specified percentage of the amount of their liability for contributions payments in respect of the corresponding period.

(2) An order under subsection (1) above may include provision—

(a) as to the periods by reference to which the calculation referred to above is to be made,

(b) for amounts which would otherwise be recoverable but which do not exceed the specified minimum for recovery not to be recoverable,

(c) for the rounding up or down of any fraction of a pound which would otherwise result from a calculation made in accordance with the order, and

(d) for any deduction from contributions payments made in accordance with the order to be disregarded for such purposes as may be specified,

and may repeal sections 154 and 155 above and make any amendments of other statutory provisions which are consequential on the repeal of those sections.

(3) In this section—

"contributions payments" means payments which a person is required by or under any statutory provision to make in discharge of any liability of his as an employer in respect of primary or secondary Class 1 contributions; and

"specified" means specified in or determined in accordance with an order under subsection (1).