STATUTORY RULES OF NORTHERN IRELAND

2020 No. 32

SOCIAL SECURITY

The Statutory Sick Pay (General) (Coronavirus Amendment) Regulations (Northern Ireland) 2020

Made - - - -	*12th March 2020*
Coming into operation -	*13th March 2020*

The Department for Communities(**a**) makes the following Regulations in exercise of the powers conferred by sections 147(4), 149(6) and 171(1), (3) and (4) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**b**) and now vested in it(**c**).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Statutory Sick Pay (General) (Coronavirus Amendment) Regulations (Northern Ireland) 2020 and shall come into operation on 13th March 2020.

(2) The Interpretation Act (Northern Ireland) 1954(**d**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Statutory Sick Pay (General) Regulations

2.—(1) The Statutory Sick Pay (General) Regulations (Northern Ireland) 1982(**e**) are amended as follows.

(2) In regulation 2(persons deemed incapable of work) —

(a) in paragraph (1), in the introductory words, omit "either";

(b) at the end of paragraph (1)(a), omit "or";

(c) after paragraph (1)(b)(**f**) insert—

" ; or

(c) he is—

(i) isolating himself, from other people in such a manner as to prevent infection or contamination with coronavirus disease, in accordance with guidance

(**a**) The Department for Social Development was renamed the Department for Communities in accordance with section 1(7) of the Departments Act (Northern Ireland) 2016 (c.5 (N.I.))

(**b**) 1992 c. 7; section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)

(**c**) Functions previously discharged by the Department of Health and Social Services were transferred the Department for Social Development in accordance with Article 8(b) of S.R. 1999 No. 481and section 1(7) of the Departments Act (Northern Ireland) 2016 (c.5 (N.I.))

(**d**) 1954 c. 33 (N.I.)

(**e**) S.R. 1982 No. 263; relevant amending Regulations are S.R. 2006 No. 142 and S.R. 2012 No. 121

(**f**) Sub-paragraph (b) was substituted by regulation 2 of S.R. 2006 No. 142 and amended by regulation 11 of S.R. 2012 No. 121

published by the Regional Agency for Public Health and Social Well-being(**a**) and effective on 12th March 2020; and

(ii) by reason of that isolation is unable to work..".

(3) After paragraph (2) insert—

"(3) For the purposes of paragraph (1)(c)—

"coronavirus disease" means COVID-19.".

Expiry

3.—(1) The Department must keep the operation of these Regulations under review.

(2) These Regulations cease to have effect at the end of the period of eight months beginning on the day on which they come into operation.

Sealed with the Official Seal of the Department for Communities on 12th March 2020

(L.S.)

Anne McCleary
A senior officer of the Department for Communities

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Statutory Sick Pay (General) Regulations (Northern Ireland) 1982 ("the 1982 Regulations").

Regulation 2(1) of the 1982 Regulations provides for categories of people to be treated as incapable of work for the purposes of claiming statutory sick pay. These Regulations amend regulation 2(1) to provide that a person who is isolating himself from others in accordance with advice on Coronavirus disease is deemed to be incapable of work. That guidance is published in digital form only on www.publichealth.hscni.net/news/covid-19-coronavirus.

There is a requirement for the Department to keep the Regulations under review, and they will cease to have effect eight months after they come into operation.

No regulatory impact assessment has been produced for these Regulations in view of the urgency required to extend statutory sick pay to the new category of employees, in order to encourage self-isolation and to minimise the risks to public health arising from Coronavirus.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992 (c. 8), are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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(**a**) Established under the Health and Social Care (Reform) Act (Northern Ireland) 2009 c.1 (N.I.)

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