1987 No. 23

STATUTORY SICK PAY

The Statutory Sick Pay (Rate of Payment) Regulations (Northern Ireland) 1987

Made . . . . . *27th January 1987*

Coming into operation . . *6th April 1987*

The Department of Health and Social Services, in exercise of the powers conferred on it by Article 9(1A) of the Social Security (Northern Ireland) Order 1982(**a**) and Article 84(1) of the Social Security (Northern Ireland) Order 1986(**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 (Rate of Payment) Regulations (Northern Ireland) 1987 and shall come into operation on 6th April 1987.

(2) In these regulations "the Order" means the Social Security (Northern Ireland) Order 1982.

Substitution of provisions in Article 9(1) of the Order

2. For paragraph (1)(*a*) to (*c*) of Article 9 of the Order there shall be substituted the following paragraph—

"(1) Statutory sick pay shall be payable by an employer at the weekly rate of—

(*a*) £47·20, in a case where the employee's normal weekly earnings under his contract of service with that employer are not less than £76·50; or

(*b*) £32·85, in any other case.".

Transitional provisions

3.—(1) Subject to paragraph (2), where for any employee 5th April 1987 was a day of incapacity for work forming part of a period of incapacity for work and statutory sick pay was payable to him during that period of incapacity for work at the weekly rate of £39·20, for any day of incapacity for work—

(*a*) which falls on or after 6th April 1987, and

(*b*) which falls within the same period of incapacity for work, and

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(a) S.I. 1982/1084 (N.I. 16); Article 9(1A) was inserted by Article 68(1) of the Social Security (Northern Ireland) Order 1986

(b) S.I. 1986/1888 (N.I. 18)

(*c*) in respect of which his employer is liable to make to him a payment of statutory sick pay,

that payment shall, notwithstanding Article 9(1) of the Order, be made to him at the weekly rate of £39·20.

(2) For the purpose of determining in accordance with paragraph (1) whether a day of incapacity for work forms part of a period of incapacity for work, and for that purpose only, Article 4(3) of the Order shall be omitted.

(3) Where a period of entitlement as between an employer and an employee is running at 6th April 1987 and the employee's normal weekly earnings under his contract of service with that employer are not less than or treated in accordance with Article 3(*a*) of the Statutory Sick Pay Up-rating Order (Northern Ireland) 1986(**a**) as not less than £74·50 they shall be treated as not less than £76·50 for the remainder of that period.

Sealed with the Official Seal of the Department of Health and Social Services on 27th January 1987.

(L.S.) *A. N. Burns*
Assistant Secretary

(**a**) S.R. 1986 No. 23

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations correspond to provision contained in regulations made by the Secretary of State for Social Services in relation to Great Britain and accordingly by virtue of section 10(2) of, and paragraph 21 of Schedule 3 to, the Social Security Act 1980 (c. 30) are not subject to the requirement of section 10(1) of that Act for prior reference to the Social Security Advisory Committee.

Regulation 2 replaces the three rates of statutory sick pay with two rates.

Regulation 3 contains transitional provisions for those in receipt of the middle rate of statutory sick pay immediately before it was abolished and for those in receipt of the higher rate on 6th April 1987 whose normal weekly earnings were between £74·50 and £76·50 (inclusive).