

Statutory Sick Pay Act 1994

CHAPTER 2

An Act to remove the right of employers other than small employers to recover sums paid by them by way of statutory sick pay; to enable the Secretary of State to make further provision by order as to the recovery of such sums; and for connected purposes.

[10th February 1994]

1.—(1) In section 158(1)(a) of the Social Security Contributions and Benefits Act 1992 (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 cease to have effect.

Restriction of employers' right of recovery.
1992 c .4.

(2) In consequence the following are repealed—

- (a) that provision and the word “and” preceding it, and
- (b) section 81(2) of the Social Security Administration Act 1992;

1992 c. 5.

[...¹]

2.—(1) The Secretary of State may by regulations make such transitional and consequential provision, and such savings, as he considers necessary or expedient for or in connection with the coming into force of the provisions of section 1 or the operation of any enactment repealed or amended by that section during any period when the repeal or amendment is not wholly in force.

Transitional and other supplementary provisions.

(2) Section 175(2) to (4) of the Social Security Contributions and Benefits Act 1992 (general provisions as to regulations and orders) apply in relation to the power conferred by subsection (1) above as they apply in relation to a power conferred by that Act to make regulations.

(3) A statutory instrument—

- (a) which contains (whether alone or with other provisions) any regulations made under subsection (1), and
- (b) which is not subject to any requirement that a draft of the instrument be laid before and approved by a resolution of each House of Parliament,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) The provisions of this Act 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the Crown, and in relation to persons employed by or under the Crown, to the same extent as the provisions amended or repealed by section 1.

3.—(1) and (2)amends 1992 c .5, see Annex 1, page 2.3717

Power to make further provision as to recovery.

(3) The Secretary of State—

- (a) shall lay before each House of Parliament the draft of an order under section 159A(1) of the Social Security Contributions and Benefits Act 1992 (inserted by subsection (1) above) framed so as to come into force on or before 6th April 1995, and

¹ Words omitted in s. 1(2) (1.10.06) by S.I. 2006/1031, Sch. 8, para. 17.

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(b) if the draft order is approved by a resolution of each House of Parliament, shall make the order in the form of the draft, unless before 1st December 1994 he lays before each House of Parliament a report explaining why he does not intend to make such an order.

Corresponding provision for Northern Ireland. 1974 c. 28.

4. An Order in Council under paragraph 1(1)(b) of Schedule 1 to the Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which states that it is made only for purposes corresponding to those of sections 1 to 3 of this Act—

- (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament), but
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Citation, commencement, financial provision and extent.

5.—(1) This Act may be cited as the Statutory Sick Pay Act 1994.

(2) Section 1 comes into force on 6th April 1994; and the other provisions of this Act come into force on Royal Assent.

(3) There shall be paid out of money provided by Parliament any expenses incurred by a Minister of the Crown [¹or the Commissioners of Inland Revenue] in consequence of this Act.

(4) Section 4 and this section (except subsection (3)) extend to Northern Ireland, but otherwise this Act does not extend there.

¹ Words in s. 5(3) substituted (1.4.99) by Transfer of Functions Act 1999 (c. 11), Sch. 1, para. 64.

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LIST OF OMISSIONS

Provisions omitted from the text are listed below, together with the reason for their omission.

s. 3(1) inserts s. 159A into Part XI of S.S. Conts. and Bens. Act
1992 (c. 4)

s. 3(2) textually amends s. 176(1)(c) of S.S. Conts. and Bens. Act
1992 (c. 4)

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COMMENCEMENT DATES

Dates on which provisions of the Statutory Sick Pay Act 1994 came into force

<i>Section of Statutory Sick Pay Act 1994</i>	<i>Commencement date</i>	<i>Commencing provision</i>
1.....	6 April 1994 ¹	s. 5(2)
2-5.....	10 February 1994	Royal Assent

¹ For incapacity on or after 6.4.94. (Sec. 1 treated as not enacted for incapacity before 6.4.94, under S.I. 1994/730, reg. 4.)