

**2020 No. 000**

**SOCIAL SECURITY**

**The Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations 2020**

*Made* - - - -

*Laid before Parliament*

*Coming into force*

The Secretary of State, in exercise of the powers conferred by sections 151(4) and (4A), 163(1) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992 and sections 38 and 39 of the Coronavirus Act 2020(a), makes the following Regulations.

**Citation and commencement**

1. These Regulations may be cited as the Statutory Sick Pay (Coronavirus) (Suspension of Waiting Days and General Amendment) Regulations 2020 and come into force on [date].

**Interpretation**

2. In these Regulations—

“the 1992 Act” means the Social Security Contributions and Benefits Act 1992(b);

“coronavirus” means severe acute respiratory syndrome coronavirus 2;

“period of incapacity for work” has the meaning given by section 152 of the 1992 Act.

**Suspension of waiting days**

3.—(1) Section 155(1) of the 1992 Act does not apply in relation to an employee where:

(a) that employee’s period of incapacity for work is related to coronavirus; and

(b) the first day of incapacity for work in that period arose on or after 13th March 2020.

(2) In this regulation, a period of incapacity for work is related to coronavirus if the employee is, or is deemed in accordance with regulation 2(1)(c) of the Statutory Sick Pay (General) Regulations 1982(c) to be, incapable by reason of coronavirus of doing work which the employee can reasonably be expected to do under the employee’s contract of service.

**Amendment of the Statutory Sick Pay (General) Regulations 1982**

4.—(1) —(2) The Statutory Sick Pay (General) Regulations 1982(d) are amended as follows.

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(a) 2020 c. x

(b) 1992 c. 4

(c) S.I. 1982/894. Paragraph (1)(c) was inserted S.I. by S.I. 2020/287 and amended by S.I. 2020/304

(d) S.I. 1982/894. Paragraph (1)(c) was inserted by S.I. 2020/287.

(3) For regulation 2(1)(c) (persons deemed incapable of work), substitute—

“(c) he is—

- (i) isolating himself from other people in such a manner as to prevent infection or contamination with severe acute respiratory syndrome coronavirus 2, in accordance with guidance published by Public Health England, NHS National Services Scotland<sup>(a)</sup> or the Public Health Wales National Health Service Trust<sup>(b)</sup>, as that guidance is amended from time to time; and
- (ii) by reason of that isolation is unable to work.”

Signed by authority of the Secretary of State for Work and Pensions

Date \_\_\_\_\_ *Name*  
Minister of State  
Department for Work and Pensions

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Statutory sick pay is not payable for the first three qualifying days of a period of entitlement to statutory sick pay. These days are known as “waiting days”. Regulation 3 disapplies the waiting days where an employee is incapable of doing the work they can reasonably be expected to do under their contract of service, or where they are deemed to be incapable, because of severe acute respiratory syndrome coronavirus 2 (“coronavirus”). Regulation 3(1)(b) provides for that disapplication to be retrospective to 13th March 2020.

These Regulations also amend the Statutory Sick Pay (General) Regulations 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. Regulation 2(1)(c) amends regulation 2(1) to provide that a person who is isolating himself from others in accordance with advice on coronavirus is deemed to be incapable of work. That guidance is being continually amended and updated. Regulation 4 of these Regulations provides that a person who is self-isolating in accordance with the guidance is treated as being incapable of work, even if the guidance is amended after these Regulations have been made.

No regulatory impact assessment has been produced for these Regulations in view of the urgency required to provide to additional financial support to those unable to work as a result of coronavirus.

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(a) Established under section 10 of the National Health Service Scotland Act 1978 c. 29.  
(b) Established under the National Health Service (Wales) Act 2006 c. 42.