

**2006 No. 799**

**SOCIAL SECURITY**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The Statutory Sick Pay (General) Amendment Regulations 2006**

<i>Made</i> - - - -	<i>15th March 2006</i>
<i>Laid before Parliament</i>	<i>20th March 2006</i>
<i>Coming into force</i> - -	<i>10th April 2006</i>

The Secretary of State for Work and Pensions makes the following Regulations in exercise of the powers conferred by section 151(4) of the Social Security Contributions and Benefits Act 1992(a).

The Social Security Advisory Committee has agreed that proposals to make these Regulations should not be referred to it(b).

**Citation and commencement**

1. These Regulations may be cited as the Statutory Sick Pay (General) Amendment Regulations 2006 and shall come into force on 10th April 2006.

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

2.—(1) Regulation 2 of the Statutory Sick Pay (General) Regulations 1982(c) (persons deemed incapable of work) shall be amended as follows.

(2) For paragraph (1)(b) substitute—

“(b) he is—

- (i) excluded or abstains from work, or from work of such a kind, pursuant to a request or notice in writing lawfully made under an enactment; or
- (ii) otherwise prevented from working pursuant to an enactment, by reason of his being a carrier, or having been in contact with a case, of a relevant disease.”.

(3) After paragraph (2) add—

“(3) For the purposes of paragraph (1)(b)—

“enactment” includes an enactment comprised in, or in an instrument made under—

- (a) an Act; or

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(a) 1992 c.4; section 151(4) was amended by paragraph 34 of Schedule 1 to the Social Security (Incapacity for Work) Act 1994 (c.18).

(b) See section 173(1)(b) of the Social Security Administration Act 1992 (c.5).

(c) S.I.1982/894. There are no relevant amendments.

- (b) an Act of the Scottish Parliament; and  
“relevant disease” means—
- (a) in England and Wales, any disease, food poisoning, infection, infectious disease or notifiable disease—
- (i) to which section 20(1) of the Public Health (Control of Disease) Act 1984(a) (stopping of work to prevent spread of disease) applies; or
  - (ii) to which—
    - (aa) regulation 3 (public health enactments applied to certain diseases) of, and Schedule 1 to,
    - (bb) regulation 9(1) (provisions for preventing the spread of typhus and relapsing fever) of, and Schedule 3 to, or
    - (cc) regulation 9(2) (provisions for preventing the spread of food poisoning and food borne infections) of, and Schedule 4 to,
the Public Health (Infectious Diseases) Regulations 1988(b) applies; or
  - (iii) to which regulations 8 and 9 (examination, etc. of persons on aircraft and powers in respect of persons leaving aircraft) of the Public Health (Aircraft) Regulations 1979(c) applies; or
  - (iv) to which regulations 9 and 10 (examination, etc. of persons on ships and powers in respect of certain persons on ships) of the Public Health (Ships) Regulations 1979(d) applies; and
- (b) in Scotland, any food poisoning or infectious disease—
- (i) to which section 71(1) of the Health Services and Public Health Act 1968(e) (compensation for stopping employment to prevent spread of disease in Scotland) applies;
  - (ii) to which—
    - (aa) regulations 8 and 9 (examination, etc. of persons on aircraft and powers in respect of persons leaving aircraft) of the Public Health (Aircraft)(Scotland) Regulations 1971(f); or
    - (bb) regulations 9 and 10 (examination, etc. of persons on ships and powers in respect of certain persons on ships) of the Public Health (Ships)(Scotland) Regulations 1971(g),
applies.”.

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

*Margaret Hodge*  
Minister of State,  
Department for Work and Pensions

15th March 2006

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(a) 1984 c.22; section 20 was amended by section 59 of, and Schedule 3 to, the Food Safety Act 1990 (c.16).  
(b) S.I.1988/1546.  
(c) S.I.1979/1434.  
(d) S.I.1979/1435.  
(e) 1968 c.46; section 71 was amended by section 64 of, and Schedule 6 to, the National Health Service (Scotland) Act 1972 (c.58) and section 180 of, and Schedule 14 to, the Local Government etc. (Scotland) Act 1994 (c.39).  
(f) S.I. 1971/131.  
(g) S.I. 1971/132.

## **EXPLANATORY NOTE**

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

These Regulations further amend the Statutory Sick Pay (General) Regulations 1982 (S.I.1982/894) (“the 1982 Regulations”).

Regulation 2 amends the 1982 Regulations to provide that a person is deemed incapable of work if he is excluded or abstains from work in accordance with a request or notice in writing made under an enactment, or is otherwise prevented from working pursuant to an enactment, in order to prevent the spread of a relevant disease. Definitions of “enactment” and “relevant disease” are also inserted.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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