

Changes to legislation: There are currently no known outstanding effects for the The Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010, PART 2. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Modification of enactments: making conversion decisions

PART 2

MODIFICATION OF THE 2008 REGULATIONS

[^{F1}7]. Any reference to a claimant is to be read as if it were a reference to the notified person.

F1 Sch. 1 paras. 1-13: Sch. 1 para. 28-40 renumbered as Sch. 1 para. 1-13 (1.11.2010) by [The Employment and Support Allowance \(Transitional Provisions, Housing Benefit and Council Tax Benefit\) \(Existing Awards\) \(No. 2\) \(Amendment\) Regulations 2010 \(S.I. 2010/2430\)](#), regs. 1(2), **15(1)(a)**

[^{F1}8]. Part 2 (which makes provision about the assessment phase) does not apply.

F1 Sch. 1 paras. 1-13: Sch. 1 para. 28-40 renumbered as Sch. 1 para. 1-13 (1.11.2010) by [The Employment and Support Allowance \(Transitional Provisions, Housing Benefit and Council Tax Benefit\) \(Existing Awards\) \(No. 2\) \(Amendment\) Regulations 2010 \(S.I. 2010/2430\)](#), regs. 1(2), **15(1)(a)**

[^{F1}9]. Part 3 (which makes provision about contribution conditions which do not apply by virtue of modifications contained in these Regulations) does not apply.

F1 Sch. 1 paras. 1-13: Sch. 1 para. 28-40 renumbered as Sch. 1 para. 1-13 (1.11.2010) by [The Employment and Support Allowance \(Transitional Provisions, Housing Benefit and Council Tax Benefit\) \(Existing Awards\) \(No. 2\) \(Amendment\) Regulations 2010 \(S.I. 2010/2430\)](#), regs. 1(2), **15(1)(a)**

[^{F1}10]. Regulation 30 (which provides for payment of the allowance pending determination of limited capability for work) does not apply.

F1 Sch. 1 paras. 1-13: Sch. 1 para. 28-40 renumbered as Sch. 1 para. 1-13 (1.11.2010) by [The Employment and Support Allowance \(Transitional Provisions, Housing Benefit and Council Tax Benefit\) \(Existing Awards\) \(No. 2\) \(Amendment\) Regulations 2010 \(S.I. 2010/2430\)](#), regs. 1(2), **15(1)(a)**

[^{F2}10A]. In the case of a person who is entitled to an existing award of income support and who is a person to whom paragraph (1) of regulation 6 of the Social Security (Habitual Residence) Amendment Regulations 2004 applies, regulation 70 (special cases: supplemental – persons from abroad) is to be read as if–

- (a) the word “or” at the end of paragraph (4)(k) were omitted; and
- (b) at the end of paragraph (4)(jj) the word “or” and the following sub-paragraph were added–
 - “(l) a person who is entitled to an existing award of income support where that person is a person to whom paragraph (1) of regulation 6 of the Social Security (Habitual Residence) Amendment Regulations 2004 applies”.]

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F2 Sch. 1 para. 10A inserted (1.11.2010) by [The Employment and Support Allowance \(Transitional Provisions, Housing Benefit and Council Tax Benefit\) \(Existing Awards\) \(No. 2\) \(Amendment\) Regulations 2010 \(S.I. 2010/2430\)](#), regs. 1(2), **16(3)** (with reg. 15(2))

[^{F11}]. Regulation 75 (payments treated as not being payments to which section 3 of the 2007 Act applies) is to be read as if—

- (a) the existing provisions were renumbered as paragraph (1);
- (b) at the end of that paragraph there were added—
 - “(g) any pension payment or PPF periodic payment which is made to a notified person and which falls within paragraph (2).”; and
- (c) after that paragraph there were added—

“(2) This paragraph applies to any pension payment or PPF periodic payment made to the notified person where, immediately before the effective date of the person's conversion decision, section 30DD(1) of the Contributions and Benefits Act ^{M1} (incapacity benefit: reduction for pension payments and PPF periodic payments)—

- (a) did not apply to the notified person by virtue of regulation 26 of the Social Security (Incapacity Benefit) Regulations 1994 ^{M2} (persons whose benefit is not to be reduced under section 30DD(1)); or
- (b) was not treated as applying to the notified person by virtue of—
 - (i) regulation 19(1)(c) or (2)(c) of those Regulations (persons formerly entitled to severe disablement allowance); or
 - (ii) article 3 of the Welfare Reform and Pensions Act 1999 (Commencement No.9, and Transitional and Savings Provisions) Order 2000 ^{M3} (transitional provision in relation to incapacity benefit).”.

F1 Sch. 1 paras. 1-13: Sch. 1 para. 28-40 renumbered as Sch. 1 para. 1-13 (1.11.2010) by [The Employment and Support Allowance \(Transitional Provisions, Housing Benefit and Council Tax Benefit\) \(Existing Awards\) \(No. 2\) \(Amendment\) Regulations 2010 \(S.I. 2010/2430\)](#), regs. 1(2), **15(1)(a)**

Marginal Citations

M1 Section 30DD was inserted by section 63 of the [Welfare Reform and Pensions Act 1999 \(c. 30\)](#) and amended by [S.I. 2006/343](#).

M2 [S.I. 1994/2946](#).

M3 [S.I. 2000/2958](#).

[^{F12}]. Regulation 144 (requirement to serve a period of waiting days at the beginning of a period of limited capability for work) does not apply.

F1 Sch. 1 paras. 1-13: Sch. 1 para. 28-40 renumbered as Sch. 1 para. 1-13 (1.11.2010) by [The Employment and Support Allowance \(Transitional Provisions, Housing Benefit and Council Tax Benefit\) \(Existing Awards\) \(No. 2\) \(Amendment\) Regulations 2010 \(S.I. 2010/2430\)](#), regs. 1(2), **15(1)(a)**

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