
STATUTORY INSTRUMENTS

2010 No. 875

The Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) Regulations 2010

PART 3

AFTER THE CONVERSION PHASE

Reducing the transitional addition: increases for adult dependants

- 20.**—(1) Paragraphs (2) and (3) apply to any person (“T”) who—
- (a) on the day before the effective date of T’s conversion decision, was entitled in connection with an existing award of incapacity benefit or severe disablement allowance to an increase under—
 - (i) section 86A of the Contributions and Benefits Act⁽¹⁾ (incapacity benefit: increases for adult dependants), or
 - (ii) section 90 of the Contributions and Benefits Act (adult dependants of beneficiaries in receipt of severe disablement allowance); and
 - (b) on and after the effective date, is entitled by virtue of these Regulations to an employment and support allowance which includes an amount by way of a transitional addition.
- (2) The amount of the transitional addition shall be reduced in accordance with paragraph (3) on the occurrence, on or after the effective date, of any of the following events—
- (a) the death of the adult dependant in respect of whom T was entitled to the increase referred to in paragraph (1)(a);
 - (b) the permanent separation of T and that adult dependant;
 - (c) the termination of the entitlement of either T or that adult dependant to child benefit; or
 - (d) the award to that adult dependant of a personal benefit (within the meaning of the Social Security (Overlapping Benefits) Regulations 1979⁽²⁾) which is equal to or more than the amount which, on the day before the effective date, was the amount of the increase referred to in paragraph (1)(a) to which T was entitled.
- (3) The amount of the transitional addition shall be reduced (but not below nil) by a sum equal to the amount which, on the day before the effective date, was the amount of the increase referred to in paragraph (1)(a) to which T was entitled.

(1) Section 86A was inserted by section 2(5) of the Social Security (Incapacity for Work) Act 1994.

(2) S.I. 1979/597.