

SCHEDULES

SCHEDULE 4

TRANSITION RELATING TO PART 1

Matching of awards of employment and support allowance

5.—(1) For the purposes of this paragraph, an award of an employment and support allowance is one that falls to be made on matching terms if—

- (a) it is made in pursuance of a claim by a person who was previously entitled to an existing award, and
- (b) had it continued to be possible to make an award of incapacity benefit, income support on grounds of incapacity for work, or severe disablement allowance, the award which would have been made to him (“the hypothetical award”) would have been made on the basis of the linking of periods of incapacity for work.

(2) Regulations may—

- (a) make provision for the purpose of securing that an award of an employment and support allowance that falls to be made on matching terms is made on terms which match in whole or part the hypothetical award;
- (b) make provision for the modification of matched awards for the purpose of securing that the person with the award is put in the position he would have been had he been made the hypothetical award which was then the subject of conversion under paragraph 7.

(3) In sub-paragraph (2)(b), the reference to matched awards is to awards of an employment and support allowance that have been the subject of matching in pursuance of regulations under sub-paragraph (2)(a).

6.—(1) For the purposes of this paragraph an award of an employment and support allowance is one which falls to be made on matching terms if—

- (a) it is made in pursuance of a claim by a person who was previously entitled to an existing award,
- (b) had he continued to be entitled to that award, it would have been the subject of conversion under paragraph 7 before the date of his claim for an employment and support allowance, and

(c) had it continued to be possible to make an award of incapacity benefit, income support on grounds of incapacity for work, or severe disablement allowance, the award which would have been made to him would have been made on the basis of the linking of periods of incapacity for work.

(2) Regulations may make provision for the purpose of securing that an award of an employment and support allowance that falls to be made on matching terms is made on terms which match in whole or part the award that would have resulted from conversion under paragraph 7 had entitlement to the existing award continued.