
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 312

The Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) Regulations (Northern Ireland) 2010

PART 4

MISCELLANEOUS

Disapplication of certain statutory provisions following conversion decision

22. Where a conversion decision has been made in relation to any person, the following statutory provisions shall not apply to that person with effect from the conversion decision's effective date—

- (a) sections 30A, [F130C,] 40 or 41 of the Contributions and Benefits Act(1) (incapacity benefit);
- (b) section 68 of the Contributions and Benefits Act (severe disablement allowance)(2);
- (c) regulation 13(2)(b) or (bb) of, or paragraph 7(a) or (b), 10, 12 or 13 of Schedule 1B to, the Income Support (General) Regulations (Northern Ireland) 1987(3) (prescribed category of persons for the purposes of entitlement on grounds of incapacity or disability);
- (d) the Income Support (Transitional) Regulations (Northern Ireland) 1987(4); and
- (e) the Social Security (Incapacity Benefit) (Transitional) Regulations (Northern Ireland) 1995(5).

Textual Amendments

F1 Words in [reg. 22\(a\)](#) inserted (1.11.2010) by [The Employment and Support Allowance \(Transitional Provisions and Housing Benefit\) \(Existing Awards\) \(Amendment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/347\)](#), regs. 1(2), **2(12)**

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- (1) Section 30A was inserted by Article 3(1) of the Social Security (Incapacity for Work) (Northern Ireland) Order 1994, amended by Article 61 of the Welfare Reform and Pensions (Northern Ireland) Order 1999 and modified by regulation 2 of [S.I. 2003/735](#) and paragraph 68 of Schedule 24 to the Civil Partnership Act 2004 (c. 33) and sections 40 and 41 were substituted by paragraphs 8 and 9 of Schedule 1 to the Social Security (Incapacity for Work) (Northern Ireland) Order 1994
 - (2) Section 68 was repealed by Part IV of Schedule 10 to the Welfare Reform and Pensions (Northern Ireland) Order 1999. See Article 4 of [S.R. 2000 No. 332 \(C. 14\)](#) for savings provisions
 - (3) [S.R. 1987 No. 459](#); regulation 13(2) was amended by regulation 6(2) of [S.R. 1991 No. 338](#), regulation 2(3) of [S.R. 2006 No. 128](#) and regulation 2(4)(a) of [S.R. 2008 No. 112](#), Schedule 1B was inserted by regulation 22 of [S.R. 1996 No. 199](#), paragraph 10 was amended by the Schedule to [S.R. 2000 No. 241](#), paragraph 12 was substituted by regulation 2(7) of [S.R. 2000 No. 242](#) and regulation 13(2)(b) and (bb) and paragraphs 7(a) and (b), 10, 12 and 13 of Schedule 1B were revoked subject to savings by regulation 2 of [S.R. 2009 No. 418](#)
 - (4) [S.R. 1987 No. 460](#)
 - (5) [S.R. 1995 No. 35](#)

Changes to legislation: There are currently no known outstanding effects for the The Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) Regulations (Northern Ireland) 2010, PART 4. (See end of Document for details)

Commencement Information

I1 Reg. 22 in operation at 1.10.2010, see [reg. 1](#)

Treatment of claims until coming into operation of regulation 24(a)

23. In regulation 2(2)(a) to (c) of the Employment and Support Allowance (Transitional Provisions) Regulations (Northern Ireland) 2008⁽⁶⁾ (claim for an existing benefit), for “a claim” in each place where it occurs, substitute “a claim made in respect of a period commencing before 31st January 2011”.

Commencement Information

I2 Reg. 23 in operation at 1.10.2010, see [reg. 1](#)

Amendment of the Employment and Support Allowance (Transitional Provisions) Regulations

24. In regulation 2 of the Employment and Support Allowance (Transitional Provisions) Regulations (Northern Ireland) 2008 (claim for an existing benefit)—

- (a) in paragraph (2) omit sub-paragraphs (a), (b) and (c); and
- (b) in paragraph (3) omit “severe disablement allowance,”.

Commencement Information

I3 [Reg. 24](#) in operation at 31.1.2011, see [reg. 1](#)

Amendment of the Employment and Support Allowance Regulations

25.—(1) The Employment and Support Allowance Regulations are amended in accordance with paragraphs (2) and (3).

(2) Omit regulation 31 (claimant who claims jobseeker’s allowance to be treated as not having limited capability for work).

(3) In regulation 144(2)(a)(7) (waiting days) after “income support,” insert “incapacity benefit, severe disablement allowance,”.

Commencement Information

I4 Reg. 25(1)(2) in operation at 1.10.2010, see [reg. 1](#)

I5 [Reg. 25\(3\)](#) in operation at 31.1.2011, see [reg. 1](#)

Amendment of legislation relating to housing benefit

26. Schedule 4, which makes amendments to legislation relating to housing benefit, has effect.

(6) [S.R. 2008 No. 283](#); regulation 2 was amended by regulation 2 of [S.R. 2008 No. 429](#)

(7) Regulation 144 was amended by regulation 3(25) of [S.R. 2008 No. 413](#)

Changes to legislation: *There are currently no known outstanding effects for the The Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) Regulations (Northern Ireland) 2010, PART 4. (See end of Document for details)*

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Commencement Information

I6 Reg. 26 in operation at 1.10.2010, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) Regulations (Northern Ireland) 2010, PART 4.