
STATUTORY INSTRUMENTS

2008 No. 795

**The Employment and Support Allowance
(Transitional Provisions) Regulations 2008**

Claim for period before appointed day

4. Where—

- (a) (i) before the appointed day a person purports to make a claim, or
(ii) on or after the appointed day a person makes a claim,
for an employment and support allowance for a period beginning before the appointed day; and
- (b) it appears to the Secretary of State that the person would be entitled to incapacity benefit or income support on the grounds of disability if that person made a claim for it in accordance with section 1(1)(a) of the Administration Act⁽¹⁾,

the purported claim or claim may be treated by the Secretary of State as a claim in the alternative for incapacity benefit or income support on the grounds of disability.