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STATUTORY INSTRUMENTS

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**2010 No. 1907**

**SOCIAL SECURITY**

**The Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010**

*Made - - - - 27th July 2010*

*Laid before Parliament 27th July 2010*

*Coming into force in accordance with regulation 1(2) and (3)*

**THE EMPLOYMENT AND SUPPORT ALLOWANCE  
(TRANSITIONAL PROVISIONS, HOUSING  
BENEFIT AND COUNCIL TAX BENEFIT)  
(EXISTING AWARDS) (NO. 2) REGULATIONS 2010**

**PART 1**

**GENERAL**

1. Citation and commencement
2. Interpretation
3. Persons to whom these Regulations apply

**PART 2**

**CONVERSION DECISIONS**

4. The notice commencing the conversion phase
5. Deciding whether an existing award qualifies for conversion
6. Application of certain enactments for purpose of making conversion decisions
7. Qualifying for conversion
8. Amount of an employment and support allowance on conversion
9. Determining entitlement to a transitional addition
10. Transitional addition: incapacity benefit or severe disablement allowance
11. Transitional addition: income support
12. Regulations 10 and 11: supplementary
13. The effective date of a conversion decision

**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. (See end of Document for details)

14. Conversion decision that existing award qualifies for conversion
15. Conversion decision that existing award does not qualify for conversion

### PART 3

#### AFTER THE CONVERSION PHASE

16. Application of other enactments applying to employment and support allowances
17. Changes of circumstances before the effective date
18. Reducing the transitional addition: general rule
19. Reducing the transitional addition: increases for dependent children
20. Reducing the transitional addition: increases for adult dependants
21. Termination of transitional addition

### PART 4

#### MISCELLANEOUS

22. Disapplication of certain enactments following conversion decision
23. Treatment of claims until coming into force of regulation 24
- 23A. Termination of entitlement to the disability premium for persons incapable of work: income support
24. Revocation of transitional claims provisions
25. Amendment of the 2008 Regulations
26. Consequential amendments
27. Amendments to legislation relating to Housing Benefit and Council Tax Benefit  
Signature

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### SCHEDULES

- SCHEDULE 1 — Modification of enactments: making conversion decisions  
— PART 1 MODIFICATION OF PART 1 OF THE 2007 ACT...

### PART 1

#### MODIFICATION OF PART 1 OF THE 2007 ACT

1. Any reference to a claimant is to be read as...
2. Section 1 is to be read as if
3. Section 2 is to be read as if, in subsections...
4. Section 4 is to be read as if, in subsections...
5. Section 5 does not apply.
6. Schedule 1 to the 2007 Act is to be read...  
— PART 2 MODIFICATION OF THE 2008 REGULATIONS Any reference to a claimant is to be read as...

### PART 2

#### MODIFICATION OF THE 2008 REGULATIONS

7. Any reference to a claimant is to be read as...
8. Part 2 (which makes provision about the assessment phase) does not...

**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*. (See end of Document for details)

- 9. Part 3 (which makes provision about contribution conditions which do...
- 10. Regulation 30 (which provides for payment of the allowance pending...
- 10A In the case of a person who is entitled to...
- 11. Regulation 75 (payments treated as not being payments to which...
- 12. Regulation 144 (requirement to serve a period of waiting days...
  - PART 3 MODIFICATION OF OTHER SECONDARY LEGISLATION Social Security (Claims...

### PART 3

#### MODIFICATION OF OTHER SECONDARY LEGISLATION

##### *Social Security (Claims and Payments) Regulations 1987*

- 13. Regulation 32 of the Social Security (Claims and Payments) Regulations...

SCHEDULE 2 — Modification of enactments: after the conversion phase  
— PART 1 MODIFICATION OF PART 1 OF THE 2007 ACT...

### PART 1

#### MODIFICATION OF PART 1 OF THE 2007 ACT

- 1. Any reference to a claimant is to be read as...
- 2. Section 1 (employment and support allowance) is to be read...
- 2A (1) In relation to awards of an employment and support...
- 3. Section 2 (amount of contributory allowance) is to be read...
- 4. Section 4 (amount of income-related allowance), except for the purposes...
- 4A Schedule 1 to the 2007 Act (employment and support allowance:..
  - PART 2 MODIFICATION OF OTHER PRIMARY LEGISLATION Social Security Act...

### PART 2

#### MODIFICATION OF OTHER PRIMARY LEGISLATION

##### *Social Security Act 1998*

- 5. Schedule 3 to the Social Security Act 1998 (decisions against...

##### *Social Security Contributions and Benefits Act 1992*

- 6. Section 44B of the Social Security Contributions and Benefits Act...

##### *Income Tax (Earnings and Pensions) Act 2003*

- 6A The Income Tax (Earnings and Pensions) Act 2003 is to..
  - PART 3 MODIFICATION OF THE 2008 REGULATIONS Any reference to a claimant is to be read as...

### PART 3

#### MODIFICATION OF THE 2008 REGULATIONS

- 7. Any reference to a claimant is to be read as...

**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. (See end of Document for details)

8. Part 2 (which makes provision about the assessment phase) does...
9. Part 3 (which makes provision about contribution conditions which do...
10. Regulation 30 (conditions for treating a claimant as having limited...
11. Regulation 45 (exempt work) is to be read as if...
12. Regulation 67 (prescribed amounts) is to be read as if—...
13. Regulation 68 (polygamous marriages) is to be read as if...
14. Regulation 75 (payments treated as not being payments to which...
15. In its application to a person who has made and...
16. Schedule 5 (prescribed amounts in special case) is to be...

— PART 4 MODIFICATION OF OTHER SECONDARY  
LEGISLATION Social Security (Claims...

PART 4

MODIFICATION OF OTHER SECONDARY LEGISLATION

*Social Security (Claims and Payments) Regulations 1987*

17. The Social Security (Claims and Payments) Regulations 1987 are to...
18. Regulation 3 (claims not required for entitlement to benefits in...
19. In regulation 26C (employment and support allowance) any reference to...
20. Regulation 32(1B) (information to be given and changes to be...
21. Schedule 9 (deductions from benefit and direct payments to third...
22. Schedule 9B (deductions from benefit in respect of child support...

*Community Charges (Deductions from Income Support) (Scotland) Regulations 1989*

- 22A Regulation 1 of the Community Charges (Deductions from Income Support)...

*Community Charges (Deductions from Income Support) (No. 2) Regulations 1990*

23. Regulation 1 of the Community Charges (Deductions from Income Support)...

*Fines (Deductions from Income Support) Regulations 1992*

24. Regulation 1 of the Fines (Deductions from Income Support) Regulations...

*Council Tax (Deductions from Income Support) Regulations 1993*

25. Regulation 1 of the Council Tax (Deductions from Income Support)...

*Social Security and Child Support (Decisions and Appeals) Regulations 1999*

- 25A (1) Regulation 3 of the Social Security and Child Support...

*Additional Pension and Social Security Pensions  
(Home Responsibilities) (Amendment) Regulations 2001*

26. Regulation 5A of the Additional Pension and Social Security Pensions...

*Social Security (Habitual Residence) Amendment Regulations 2004*

27. Regulation 6 of the Social Security (Habitual Residence) Amendment Regulations...

**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*. (See end of Document for details)

SCHEDULE 3 — List of regulations that apply after the conversion phase  
The regulations referred to in regulation 16(2)(e)(iii) are— The Social...

SCHEDULE 4 — Consequential amendments  
— *The Social Security (Claims and Payments) Regulations 1987*

1. In paragraph 8 of Schedule 9 to the Social Security...  
— *The Jobseeker's Allowance Regulations 1996*
- 1A (1) In regulation 55(4) of the Jobseeker's Allowance Regulations 1996...  
— *The Employment and Support Allowance (Transitional Provisions) Regulations 2008*
2. In regulation 2(3) of the Employment and Support Allowance (Transitional...

SCHEDULE 5 — Amendments to legislation relating to Housing Benefit and Council Tax Benefit  
— PART 1 AMENDMENT OF THE HOUSING BENEFIT REGULATIONS 2006 (1) The Housing Benefit Regulations 2006 are amended as follows....

#### PART 1

##### AMENDMENT OF THE HOUSING BENEFIT REGULATIONS 2006

1. (1) The Housing Benefit Regulations 2006 are amended as follows....  
PART 2

##### AMENDMENT OF THE COUNCIL TAX BENEFIT REGULATIONS 2006

2. (1) The Council Tax Benefit Regulations 2006 are amended as...  
PART 3

##### AMENDMENT OF THE HOUSING BENEFIT AND COUNCIL TAX BENEFIT (DECISIONS AND APPEALS) REGULATIONS 2001

3. (1) The Housing Benefit and Council Tax Benefit (Decisions and...

Explanatory Note

**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.