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STATUTORY INSTRUMENTS

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**2010 No. 1907**

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

**PART 2**

**CONVERSION DECISIONS**

**Transitional addition: income support**

**11.**—(1) This regulation applies to any notified person who is entitled to an existing award of income support (and for these purposes it is irrelevant whether the person is also entitled to any existing award of incapacity benefit or severe disablement allowance).

- (2) In any case falling within paragraph (1)—
- (a) the notified person shall be entitled to a transitional addition if Amount C exceeds Amount D; and
  - (b) the amount of transitional addition to which the notified person is entitled under this paragraph shall be equal to the amount of any such excess.
- (3) To calculate Amount C—
- (a) take the notified person's weekly applicable amount under regulation 17 or 18 of, and Schedule 2 to, the Income Support (General) Regulations 1987<sup>M1</sup> (applicable amounts);
  - (b) disregard any amount determined in accordance with (as the case may be) regulation 17(1)(e) or 18(1)(f) of, and Schedule 3 to, those Regulations (housing costs); and
  - (c) disregard any amount included in the person's applicable amount—
    - (i) under regulation 17(1)(b), (c) or (d) of those Regulations<sup>M2</sup> in respect of a child or young person who is a member of the notified person's family, or
    - (ii) under regulation 18(1)(b), (c), (d) or (e) of those Regulations in respect of a child or young person who is a member of the same household as the notified person,as those provisions have effect by virtue of regulations 1 and 7 of the Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendment) Regulations 2003<sup>M3</sup>.
- (4) To calculate Amount D—
- (a) take the amount prescribed under regulation 67(1) or 68(1) of the 2008 Regulations (prescribed amounts for purpose of calculating an income-related allowance) which is applicable to the notified person;
  - (b) disregard any amount determined in accordance with (as the case may be) regulation 67(1)(c) or 68(1)(d) (housing costs) of the 2008 Regulations; and

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**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, Section 11. (See end of Document for details)

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- (c) add the amount of the applicable component determined in accordance with regulation 12(5) of these Regulations.

**Marginal Citations**

- M1** [S.I. 1987/1967](#). Regulation 17 was amended by [S.I. 1988/910](#) and 1445, 1989/1678, 1991/387, 1992/3147, 1996/206, 2003/455 and 1121, 2005/2687 and 2006/588. Regulation 18 was amended by [S.I. 1988/1228](#) and 1445, 1989/1034, 1992/3147, 1996/206, 2001/3767, 2003/455 and 1121 and 2006/588.
- M2** Regulations 17(1)(b) and (c) and 18(1)(c) and (d) of, and paragraphs 2, 3 and 6(1)(c) of Schedule 2 to, the Income Support (General) Regulations 1987 (“the 1987 Regulations”) (amounts for child or young person, family premium and disabled child premium) were revoked by [S.I. 2003/455](#). Paragraph 13A(b) and (2)(a) of the 1987 Regulations (which provide for enhanced disability premium) were also amended by [S.I. 2003/455](#) so as to exclude children or young persons from the list of persons to whom such premiums may relate. The revocations and amendments are subject to savings in accordance with regulations 1 and 7 of [S.I. 2003/455](#), as amended by regulation 2(2) of [S.I. 2005/2294](#).
- M3** [S.I. 2003/455](#).

**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, Section 11.