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## STATUTORY INSTRUMENTS

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### 2010 No. 875

#### The Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) Regulations 2010

#### PART 3

#### AFTER THE CONVERSION PHASE

##### Termination of transitional addition

**21.—**(1) Any entitlement to a transitional addition which a person (“T”) may have by virtue of these Regulations terminates on whichever is the earlier of—

- (a) the reduction in accordance with regulations 18 to 20 (reducing the transitional addition: general rule and increases for dependent children and adult dependants) of the amount of the transitional addition to nil;
- (b) subject to paragraphs (2) and (3), the termination in accordance with the enactments applied by regulation 16 of T’s entitlement to an employment and support allowance; and
- (c) 5th April 2020.

(2) Nothing in paragraph (1)(b) prevents reinstatement of a person’s entitlement to a transitional addition following the reversal on appeal of any determination which results in the termination of the person’s entitlement to an employment and support allowance.

(3) Any termination of T’s entitlement to a transitional addition by virtue of paragraph (1)(b) shall instead have effect as a suspension of that entitlement in Case 1 or Case 2.

(4) Case 1 is where—

- (a) on a subsequent claim made by T for an employment and support allowance, a period of limited capability for work is treated under regulation 145(1) or (2) of the 2008 Regulations (linking rules) as a continuation of an earlier period of limited capability for work; and
- (b) T’s entitlement to an employment and support allowance which is referred to in paragraph (1)(b) (“T’s old entitlement”) was in respect of that earlier period.

(5) Case 2 is where—

- (a) T’s old entitlement was to an income-related allowance;
- (b) the reason for terminating that entitlement was that the condition set out in paragraph 6(1) (f) of Schedule 1 to the 2007 Act had ceased to be satisfied in T’s case (no entitlement to income-related allowance where other member of a couple engages in remunerative work); and
- (c) on a subsequent claim for an income-related allowance, T’s entitlement to such an allowance commences before the end of the 12 week period which begins with the date of termination of T’s old entitlement.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(6) In Cases 1 and 2, the amount of the transitional addition which becomes payable on commencement of T's entitlement to an employment and support allowance is to be determined by reference to the amount of the transitional addition that was payable on the termination of T's old entitlement, subject to any subsequent adjustment of that amount that would have been made under this Part.