
STATUTORY INSTRUMENTS

2009 No. 1490

**The Social Security (Miscellaneous
Amendments) (No. 2) Regulations 2009**

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations 1999

3.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations 1999⁽¹⁾ are amended as follows.

(2) In regulation 3⁽²⁾ (revision of decisions)—

(a) omit paragraph (5D);

(b) in paragraph (7ZA)—

(i) in sub-paragraph (a) after “income support,” insert “income-based jobseeker’s allowance,”;

(ii) in sub-paragraph (b) after “the Income Support Regulations” insert “, regulation 2 of the Jobseeker’s Allowance Regulations”;

(iii) in sub-paragraph (c)(i) after “the Income Support Regulations” insert “, regulation 83(e) or 86A(c) of the Jobseeker’s Allowance Regulations”; and

(iv) in sub-paragraph (d)(ii) after “the Income Support Regulations” insert “, paragraph 15(4)(a) or 20I(3)(a) of Schedule 1 to the Jobseeker’s Allowance Regulations”; and

(c) after paragraph (7C) insert—

“(7CC) Where—

(a) a person’s entitlement to income support is terminated because of a determination that the person is not incapable of work;

(b) the person subsequently claims and is awarded jobseeker’s allowance; and

(c) the decision which embodies the determination that the person is not incapable of work is revised or successfully appealed,

the Secretary of State may revise the decisions to terminate income support entitlement and to award jobseeker’s allowance.”.

(3) In regulation 7(2)(c)(ii)⁽³⁾ (date from which a decision superseded under section 10 takes effect) after “incapacity determination”, both times it appears, insert “or an employment and support allowance decision where there has been a limited capability for work determination”.

⁽¹⁾ [S.I.1999/991](#).

⁽²⁾ The relevant amending instruments are [S.I. 2003/916](#), [2005/337](#) and [2008/1554](#).

⁽³⁾ The relevant amending instrument is [S.I. 1999/1623](#).