
STATUTORY INSTRUMENTS

2010 No. 1907

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

PART 3

AFTER THE CONVERSION PHASE

Application of other enactments applying to employment and support allowances

16.—(1) The enactments listed in paragraph (2) apply, subject to the modifications specified in Schedule 2, for the purposes of—

- (a) providing for the revision or supersession of any person's conversion decision at any time on or after that decision's effective date; and
- (b) enabling any other matter to be determined in connection with any person's entitlement or continuing entitlement to an award of an employment and support allowance by virtue of these Regulations.

[^{F1}(1A) Where—

- (a) a person makes a claim for an employment and support allowance subsequent to the termination of that person's entitlement to an employment and support allowance by virtue of these Regulations; and
- (b) the period of limited capability for work in relation to that claim would link, by virtue of regulation 145(1) of the 2008 Regulations, to a period of limited capability for work in respect of which an award was made by virtue of these Regulations,

that person's entitlement to an award of an employment and support allowance shall be determined in accordance with these Regulations.]

(2) The listed enactments are—

- (a) Part 1 of the 2007 Act;
- (b) Chapter 2 of Part 1 of the Social Security Act 1998 ^{M1} (social security decisions and appeals);
- (c) any other Act which is amended by Schedule 3 to the 2007 Act;
- (d) the Social Security (Recovery of Benefits) Act 1997 ^{M2}; and
- (e) the following regulations—
 - (i) this Part of these Regulations,
 - (ii) the 2008 Regulations, and
 - (iii) the Regulations listed in Schedule 3 to these Regulations (being regulations consequentially amended by regulations made under Part 1 of the 2007 Act).

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 16. (See end of Document for details)

(3) In the application of those enactments, the conversion decision is to be treated as if it were a decision as to a person's entitlement to an employment and support allowance which had been made on a claim.

F1 Reg. 16(1A) inserted (1.5.2012) by [The Social Security \(Miscellaneous Amendments\) Regulations 2012 \(S.I. 2012/757\)](#), regs. 1(3), **21**

Marginal Citations

M1 1998 c. 14.

M2 1997 c. 27.

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 16.