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STATUTORY INSTRUMENTS

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**2010 No. 875**

**SOCIAL SECURITY**

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

*Made - - - - 18th March 2010*

*Laid before Parliament 29th March 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) 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

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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
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

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

7. Any reference to a claimant is to be read as...
8. Part 2(which makes provision about the assessment phase) does not...
9. Part 3 (which makes provision about contribution conditions which do...
10. Regulation 30 (which provides for payment of the allowance pending...
11. Regulation 75 (payments treated as not being payments to which...
12. Regulation 144 (requirement to serve a period of waiting days...

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### 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

1. Any reference to a claimant is to be read as...
2. Section 1 (employment and support allowance) is to be read...
3. Section 2 (amount of contributory allowance) is to be read...
4. Section 4 (amount of income-related allowance), except for the purposes...

#### 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...

#### PART 3

##### 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...
9. Part 3 (which makes provision about contribution conditions which do...
10. In its application to a person who has made and...
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 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...

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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) (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)...

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

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

SCHEDULE 3 — List of regulations that apply after the conversion phase

SCHEDULE 4 — Consequential amendments

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

1. In paragraph 8 of Schedule 9 to the Social Security...

*The Employment and Support Allowance (Transitional Provisions) Regulations 2005*

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. (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...

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## Explanatory Note