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STATUTORY INSTRUMENTS

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**2011 No. 2425**

**The Social Security (Miscellaneous  
Amendments) (No. 3) Regulations 2011**

**PART 3**

**AMENDMENTS TO SECONDARY LEGISLATION**

**Amendments to the Social Security and Child Support (Decisions and Appeals) Regulations 1999**

**12.** Regulation 3 of the Social Security and Child Support (Decisions and Appeals) Regulations 1999<sup>(1)</sup> (revision of decisions) is amended as follows—

(a) after paragraph (5C)<sup>(2)</sup> insert—

“(5D) A decision by the Secretary of State under section 8 or 10 awarding an employment and support allowance may be revised at any time if—

- (a) it incorporates a determination that the conditions in regulation 30 of the Employment and Support Allowance Regulations are satisfied;
- (b) the condition referred to in sub-paragraph (a) was not satisfied at the time when the claim was made; and
- (c) there is a period before the award which falls to be decided.<sup>(3)</sup>

(b) after paragraph (5F)<sup>(4)</sup> insert—

“(5G) Where—

- (a) a person’s entitlement to an employment and support allowance is terminated because of a decision which embodies a determination that the person does not have limited capability for work;
- (b) the person appeals that decision to the First-tier Tribunal;
- (c) before or after that decision is appealed by the person, that person claims and there is a decision to award—
  - (i) income support, or
  - (ii) jobseeker’s allowance; and
- (d) the decision referred to in sub-paragraph (a) is successfully appealed,

the decision to award income support or jobseeker’s allowance may be revised.

(5H) Where—

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<sup>(1)</sup> [S.I. 1999/991](#).

<sup>(2)</sup> Paragraph (5C) was inserted by regulation 31(4) of [S.I. 2008/1554](#).

<sup>(3)</sup> Regulation 3(5D) was inserted originally by regulation 31(4) of [S.I. 2008/1554](#) and revoked by regulation 3(2)(a) of [S.I. 2009/1490](#).

<sup>(4)</sup> Paragraph (5F) was inserted by regulation 7(2) of [S.I. 2010/840](#).

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**Status:** This is the original version (as it was originally made).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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- (a) a conversion decision within the meaning of regulation 5(2)(b) of the Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010<sup>(5)</sup> (deciding whether an existing award qualifies for conversion) is made in respect of a person;
- (b) the person appeals that decision to the First-tier Tribunal;
- (c) before or after that decision is appealed by the person, that person claims and there is a decision to award—
  - (i) income support, or
  - (ii) jobseeker’s allowance; and
- (d) the decision referred to in sub-paragraph (a) is successfully appealed, the decision to award income support or jobseeker’s allowance may be revised.”.

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<sup>(5)</sup> S.I. 2010/1907, as amended by S.I. 2010/2430.