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STATUTORY RULES OF NORTHERN IRELAND

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**2010 No. 312**

**The Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) Regulations (Northern Ireland) 2010**

**PART 3**

**AFTER THE CONVERSION PHASE**

**Application of other statutory provisions applying to employment and support allowance**

**16.—(1)** The statutory provisions 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.

[<sup>F1</sup>(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 statutory provisions to which paragraph (1) refers are—

- (a) Part 1 of the Act (employment and support allowance);
- (b) the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997(1);
- (c) Chapter II of Part II of the Social Security (Northern Ireland) Order 1998(2) (social security decisions and appeals);
- (d) any other statutory provision which is amended by Schedule 3 to the Act (consequential amendments relating to Part 1);
- (e) the Employment and Support Allowance Regulations;
- (f) this Part of these Regulations; and

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(1) S.I. 1997/1183 (N.I. 12)

(2) S.I. 1998/1506 (N.I. 10)

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**Changes to legislation:** *There are currently no known outstanding effects for the The Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) Regulations (Northern Ireland) 2010, Section 16. (See end of Document for details)*

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(g) the Regulations listed in Schedule 3.

(3) In the application of those statutory provisions, 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.

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**Textual Amendments**

**F1** [Reg. 16\(1A\)](#) inserted (1.5.2012) by [The Social Security \(Miscellaneous Amendments\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/121\)](#), regs. 1(3), **19**

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**Commencement Information**

**I1** Reg. 16 in operation at 1.10.2010, see [reg. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) Regulations (Northern Ireland) 2010, Section 16.