

STATUTORY RULES OF NORTHERN IRELAND

2010 No. 312

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

PART 2

CONVERSION DECISIONS

Qualifying for conversion

7.—^{F1} [1] ^{F2} Subject to ^{F3} paragraphs (2) and (3) , for the purposes of regulation 5(2)(a) , an existing award or awards to which a notified person ^{F4} (“P”) is entitled qualify for conversion into an award of an employment and support allowance ^{F5} under these Regulations] only if the ^{F6} P satisfies the basic conditions set out in section 1(3)(a) to (d) and (f) of the Act.

^{F7} (2) Where P is entitled to an award of an employment and support allowance under the Act and it has been determined in respect of that entitlement that P—

- (a) has limited capability for work; or
- (b) is to be treated as having limited capability for work, other than by virtue of regulation 30 of the Employment and Support Allowance Regulations,

in relation to the conversion of P’s existing award, P is to be taken as having satisfied the condition set out in section 1(3)(a) of the Act (limited capability for work).

[
^{F8} (3) Where P would be entitled to an award of an employment and support allowance under the Act but for the application of section 1A of that Act (duration of contributory allowance) and it had been determined in respect of the entitlement that had ceased that P—

- (a) had limited capability for work; or
- (b) was to be treated as having limited capability for work, other than by virtue of regulation 30 of the Employment and Support Allowance Regulations,

in relation to the conversion of P’s existing award, P is to be taken as having satisfied the condition set out in section 1(3)(a) of the Act (limited capability for work).]]

Textual Amendments

F1 Reg. 7(1): reg. 7 renumbered as reg. 7(1) (1.11.2010) by [The Employment and Support Allowance \(Transitional Provisions and Housing Benefit\) \(Existing Awards\) \(Amendment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/347\)](#), regs. 1(2), **2(3)(a)**

F2 Words in reg. 7 substituted (1.11.2010) by [The Employment and Support Allowance \(Transitional Provisions and Housing Benefit\) \(Existing Awards\) \(Amendment\) Regulations \(Northern Ireland\) 2010 \(S.R. 2010/347\)](#), regs. 1(2), **2(3)(b)(i)**

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 7. (See end of Document for details)*

- F3** Words in reg. 7(1) substituted (28.11.2016) by The Employment and Support Allowance (Duration of Contributory Allowance) (Consequential Amendments) Regulations (Northern Ireland) 2016 (S.R. 2016/175), regs. 1(1), **9(2)(a)**
- F4** Words in reg. 7 inserted (1.11.2010) by The Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/347), regs. 1(2), **2(3)(b)(ii)**
- F5** Words in reg. 7 inserted (1.11.2010) by The Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/347), **regs., 1(2) 2(3)(b)(iii)**
- F6** Words in reg. 7 substituted (1.11.2010) by The Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/347), regs. 1(2), **2(3)(b)(iv)**
- F7** Reg. 7(2) added (1.11.2010) by The Employment and Support Allowance (Transitional Provisions and Housing Benefit) (Existing Awards) (Amendment) Regulations (Northern Ireland) 2010 (S.R. 2010/347), regs. 1(2), **2(3)(c)**
- F8** Reg. 7(3) added (28.11.2016) by The Employment and Support Allowance (Duration of Contributory Allowance) (Consequential Amendments) Regulations (Northern Ireland) 2016 (S.R. 2016/175), regs. 1(1), **9(2)(b)**

Commencement Information

- I1** Reg. 7 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 7.