

**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*, Cross Heading: *Social Security (Habitual Residence) Amendment Regulation*. (See end of Document for details)

## SCHEDULE 2

Modification of statutory provisions: after the conversion phase

### PART 4

#### MODIFICATION OF OTHER SUBORDINATE LEGISLATION

##### *f<sup>1</sup>* *Social Security (Habitual Residence) Amendment Regulation*

###### **Textual Amendments**

**F1** Sch. 2 para. 7 and cross-heading added (31.10.2011) by [The Social Security \(Miscellaneous Amendments No. 2\) Regulations \(Northern Ireland\) 2011](#) (S.R. 2011/357), regs. 1(1), **25(4)(b)**

7. Regulation 6 of the *Social Security (Habitual Residence) Amendment Regulations (Northern Ireland) 2004* (transitional arrangements and savings) is to be read as if—

(a) in paragraph (1)—

(i) sub-paragraphs (a), (b) and (d) were omitted; and

(ii) for sub-paragraph (c) there were substituted—

“(c) is entitled to an employment and support allowance by virtue of—

(i) the Existing Awards Regulations, or

(ii) regulation 30 of the *Employment and Support Allowance Regulations* (conditions for treating a claimant as having limited capability for work until a determination about limited capability for work has been made) in the circumstances where the person has made and is pursuing an appeal against a conversion decision made under the Existing Awards Regulations which embodies a determination that the person does not have limited capability for work,

and immediately before the effective date of the conversion decision made in respect of that person, was entitled to a specified benefit in respect of a period which was continuous with a period of entitlement to the same or another specified benefit which included 30th April 2004;” and

(b) in paragraph (4), before sub-paragraph (a) there were inserted—

“(za) “conversion decision” and “effective date” have the same meanings as in regulation 2(1) of the *Employment and Support Allowance (Transitional Provisions, and Housing Benefit) (Existing Awards) Regulations (Northern Ireland) 2010*.”.]

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