

*This Statutory Instrument has been made in consequence of a defect in SI 2008/795 and is being issued free of charge to all known recipients of that Statutory Instrument.*

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STATUTORY INSTRUMENTS

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**2008 No. 2783**

**SOCIAL SECURITY**

**The Employment and Support Allowance (Transitional Provisions) (Amendment) Regulations 2008**

<i>Made</i>	- - - -	<i>21st October 2008</i>
<i>Laid before Parliament</i>		<i>23rd October 2008</i>
<i>Coming into force</i>	- -	<i>26th October 2008</i>

The Secretary of State for Work and Pensions in exercise of the powers conferred by sections 25(2)(b) and (c) and 29 of, and paragraphs 2(a) and 3(b) of Schedule 4 to, the Welfare Reform Act 2007(a), makes the following Regulations.

In accordance with section 172(1) of the Social Security Administration Act 1992(b), reference has been made to the Social Security Advisory Committee.

**Citation and commencement**

1. These Regulations may be cited as the Employment and Support Allowance (Transitional Provisions) (Amendment) Regulations 2008 and shall come into force on 26th October 2008.

**Amendment of the Employment and Support Allowance (Transitional Provisions) Regulations 2008**

2. In regulation 2(2) of the Employment and Support Allowance (Transitional Provisions) Regulations 2008(c)—

- (a) at the end of sub-paragraph (b) omit “or”;
- (b) at the end of sub-paragraph (c) add the following sub-paragraphs—
  - “(d) a claim for income support on the grounds of disability made by a claimant who is entitled to incapacity benefit or severe disablement allowance; or
  - (e) a claim for incapacity benefit made by a claimant who is entitled to income support on the grounds of disability.”.

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(a) 2007 c. 5.  
(b) 1992 c. 5.  
(c) S.I. 2008/795.

Signed by the authority of the Secretary of State for Work and Pensions

*Jonathan Shaw*

Parliamentary Under Secretary of State,  
Department for Work and Pensions

21st October 2008

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Employment and Support Allowance (Transitional Provisions) Regulations 2008 which relate to the introduction of employment and support allowance. The effect of the amendment is to allow a person who is entitled to incapacity benefit or severe disablement allowance, to claim income support on the grounds of disability and to allow a person who is entitled to income support on the grounds of disability, to claim incapacity benefit.

A full regulatory impact assessment has not been produced for these Regulations as no impact on the private, public or voluntary sectors is foreseen.

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