
STATUTORY INSTRUMENTS

2010 No. 1907

The Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010

PART 3

AFTER THE CONVERSION PHASE

Changes of circumstances before the effective date

17. Where, on or after the effective date of any person's conversion decision, the Secretary of State is notified of any change of circumstances or other relevant event which occurred before that date [^{F1}and which would have been relevant to the existing award or awards], the Secretary of State—

[^{F2}(a) must treat any award—

(i) converted by virtue of regulation 14(2) (conversion decision that existing award qualifies for conversion), or

(ii) terminated by virtue of regulation 14(2B)(a) (termination of an existing award of incapacity benefit or severe disablement allowance where entitlement to award of income support continues), regulation 14(3) (termination of award of an employment and support allowance where that entitlement already exists) or regulation 15(2) (termination of existing awards which do not qualify for conversion),

as if that award had not been converted or terminated;

(b) must treat any entitlement to be credited with earnings terminated by virtue of regulation 14(5) or 15(3) as if it had not been terminated;

(c) must treat any entitlement to a disability premium terminated by virtue of regulations 14(2B)(b), 15(2B) or 15(6) as if it had not been terminated;]

[^{F3}(d)] must take account of the change of circumstances or other relevant event for the purposes of determining whether to revise or supersede a decision (“the earlier decision”) relating to the award or awards in respect of which the conversion decision was made;

[^{F3}(e)] in an appropriate case, must revise or supersede the earlier decision;

[^{F3}(f)] if any earlier decision is revised or superseded, must determine whether to revise [^{F4}or supersede] the conversion decision made in relation to P; and

[^{F3}(g)] in an appropriate case, must revise [^{F5}or supersede] that conversion decision.

Textual Amendments

F1 Words in reg. 17 inserted (1.11.2010) by [The Employment and Support Allowance \(Transitional Provisions, Housing Benefit and Council Tax Benefit\) \(Existing Awards\) \(No. 2\) \(Amendment\) Regulations 2010 \(S.I. 2010/2430\)](#), regs. 1(2), **9(a)**

Changes to legislation: There are currently no known outstanding effects for the The Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010, Section 17. (See end of Document for details)

- F2** Reg. 17(a)(c) substituted for reg. 17(a) (1.11.2010) by The Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) (Amendment) Regulations 2010 (S.I. 2010/2430), regs. 1(2), **9(b)**
- F3** Reg. 17(d)(g): reg. 17(b)-(e) renumbered as reg. 17(d)-(g) (1.11.2010) by The Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) (Amendment) Regulations 2010 (S.I. 2010/2430), regs. 1(2), **9(c)**
- F4** Words in reg. 17(f) inserted (31.10.2011) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), **27(3)**
- F5** Words in reg. 17(g) inserted (31.10.2011) by The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 (S.I. 2011/2425), regs. 1(2), **27(3)**

Changes to legislation:

There are currently no known outstanding effects for the The Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010, Section 17.