
STATUTORY INSTRUMENTS

2010 No. 2430

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

2008 Regulations: amendment of regulation 149

22.—(1) Subject to paragraph (4), regulation 149 of the 2008 Regulations (linking rules-limited capability for work) is amended as follows.

(2) For paragraph (1), substitute—

“(1) Where the circumstances in paragraph (2) apply, a work or training beneficiary is to be treated as having limited capability for work from the first day within the linking term in respect of which that beneficiary claims an employment and support allowance.”.

(3) In paragraph (2)(b), for “in the most recent past period of limited capability for work, it had been determined that the work or training beneficiary had limited capability for work” substitute “it had been determined that the work or training beneficiary had limited capability for work in the most recent past period of limited capability for work or where that determination was embodied in a conversion decision”.

(4) Paragraphs (2) and (3) apply only in relation to the following cases—

- (a) a claim for an employment and support allowance made on or after 1st November 2010, whether or not the claim is in respect of a period commencing before that date; and
- (b) a claim for an advance award under regulation 13 of the Social Security (Claims and Payments) Regulations 1987—
 - (i) made before 1st November 2010, and
 - (ii) in respect of a period beginning on or after that date.