
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

Migration Regulations: amendment of regulation 7

4.—(1) Regulation 7 of the Migration Regulations (qualifying for conversion) is amended as follows.

(2) The existing provision becomes paragraph (1).

(3) For “For the purposes of regulation 5(2)(a)” substitute “Subject to paragraph (2), for the purposes of regulation 5(2)(a)”.

(4) After “notified person” insert “(“P”)”.

(5) After “employment and support allowance” insert “under these Regulations”.

(6) For “the person” substitute “P”.

(7) After paragraph (1), add—

“(2) Where P is entitled to an award of an employment and support allowance under the 2007 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 2008 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 2007 Act (limited capability for work).”.