
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 8

5.—(1) Regulation 8 of the Migration Regulations (amount of an employment and support allowance on conversion) is amended as follows.

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

(3) In paragraph (1), Step 2, renumber paragraphs (c) and (d) as paragraphs (a) and (b) respectively.

(4) After paragraph (1), add—

“(2) In a case to which regulation 7(2) applies (cases where a person is already entitled to an award of an employment and support allowance), a determination that the person has, or does not have, limited capability for work-related activity made in respect of the person’s current entitlement to an award of an employment and support allowance is to be treated as having been made for the purposes of Step 1.”.