
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 17

9. Regulation 17 of the Migration Regulations (changes of circumstances before the effective date) is amended as follows—

- (a) after “occurred before that date” insert “and which would have been relevant to the existing award or awards”;
- (b) for paragraph (a), substitute—
 - “(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;”;
- (c) renumber paragraphs (b) to (e) as (d) to (g) respectively.