*This Statutory Instrument has been made in consequence of defects in S.I. 2013/376, 2015/499, 2022/752, 2025/884 and 2026/395 and is being issued free of charge to all known recipients of those Statutory Instruments.*

STATUTORY INSTRUMENTS

# 2026 No. 1063

# SOCIAL SECURITY

## The Social Security (Miscellaneous Amendments) Regulations 2026

| | |
|---|---|
| *Made - - - -* | *6th October 2026* |
| *Laid before Parliament* | *7th October 2026* |
| *Coming into force - -* | *30th October 2026* |

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 123(1)(d), 130A(2), 136(3) and (5), 136A(3) and 175(1), (3) and (4) of the Social Security Contributions and Benefits Act 1992(**a**), sections 71(8), 71ZC(1) and 189(1), (4) and (6) of the Social Security Administration Act 1992(**b**), paragraph 8 of Schedule 1 to the Social Security (Recovery of Benefits) Act 1997(**c**), sections 1(5)(b), 15(3) and (6)(b) and 17(2)(a) of the State Pension Credit Act 2002(**d**), sections 4(2), 17(1) and (3) and 25(2), (3) and (5) of the Welfare Reform Act 2007(**e**) and sections 42(1) to (3), 80(1) and (3), 93(1) and 94(1) to (3) of, and paragraph 4(1) and (3)(a) of Schedule 1, paragraphs 1(1) and 4(1)(b) and (2)(d) of Schedule 6, and paragraph 1(1) of Schedule 10 to, the Welfare Reform Act 2012(**f**).

In accordance with section 173(1)(b) of the Social Security Administration Act 1992, the Social Security Advisory Committee has agreed that the proposals in respect of these Regulations should not be referred to it.

(**a**) 1992 c. 4. Section 130A was inserted by section 30(2) of the Welfare Reform Act 2007 (c. 5). Section 136A was inserted by paragraph 3 of Schedule 2 to the State Pension Credit Act 2002 (c. 16). Section 175(1) and (4) was amended by paragraph 29 of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2). Section 175(1), (3) and (4) is applied in relation to the powers conferred by sections 1(5)(b), 15(3) and (6)(b) and 17(2)(a) of the State Pension Credit Act 2002 by section 19(1) of that Act. See section 137(1) for the definition of "prescribed".

(**b**) 1992 c. 5. Section 71(8) was amended by section 107(1) and Schedule 14 Part 11 to the Welfare Reform Act 2012 (c. 5). Section 71ZC(1) was inserted by section 105(1) of the Welfare Reform Act 2012. Section 189 was amended by paragraph 109 of Schedule 7, and Schedule 8, to the Social Security Act 1998 (c. 14), paragraph 57(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), Schedule 6 to the Tax Credits Act 2002 (c. 21) and S.I. 2013/252. Section 189(4) is applied to the provisions of the Social Security (Recovery of Benefits) Act 1997 (c. 27) by section 30(4) of that Act.

(**c**) 1997 c. 27. See section 29 for the definitions of "prescribed" and "regulations".

(**d**) 2002 c. 16. See section 17(1) for the definitions of "prescribed" and "regulations".

(**e**) 2007 c. 5. See section 24(1) for the definitions of "prescribed" and "regulations".

(**f**) 2012 c. 5. See section 95 for the definition of "prescribed".

In respect of regulations 4 and 5, in accordance with section 176(1)(a) of the Social Security Administration Act 1992(**a**), the Secretary of State has consulted with organisations appearing to the Secretary of State to be representative of the authorities concerned.

### Citation, commencement and extent

**1.**—(1) These Regulations may be cited as the Social Security (Miscellaneous Amendments) Regulations 2026 and come into force on 30th October 2026.

(2) Subject to paragraph (3), these Regulations extend to England and Wales and Scotland.

(3) Regulations 10 and 12 extend to England and Wales.

### Amendment of the Social Security (Recovery of Benefits) Regulations 1997

**2.** In regulation 2(2) of the Social Security (Recovery of Benefits) Regulations 1997 (exempted trusts and payments)(**b**) after sub-paragraph (u) insert— ";

(v) any payment that is made under the Mother and Baby Institutions Payment Scheme established by the Irish Government under section 5 of the Irish Mother and Baby Institutions Payment Scheme Act 2023(**c**).".

### Amendment of the State Pension Credit Regulations 2002

**3.**—(1) The State Pension Credit Regulations 2002(**d**) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation)—

(a) after the definition of "miscarriage of justice compensation payment" insert—

""Mother and Baby Scheme payment" means a payment under the Mother and Baby Institutions Payment Scheme established by the Irish Government under section 5 of the Irish Mother and Baby Institutions Payment Scheme Act 2023;";

(b) in the definition of "qualifying person" for "or a miscarriage of justice compensation payment" substitute ", a miscarriage of justice compensation payment or a Mother and Baby Scheme payment".

(3) In regulation 5(1D) (persons treated as being or not being members of the same household), after sub-paragraph (a) insert—

"(aa) paragraph (1A)(a), (b) or (c) applied to the person when the public information was issued or the evacuation began;".

(4) In Schedule 2 (housing costs), in paragraph 14(8), after paragraph (bf) insert—

"(bg) any Mother and Baby Scheme payment;".

(5) In Schedule 5 (income from capital), in paragraph 15—

(a) in sub-paragraph (1A) for "or miscarriage of justice compensation payment" substitute ", miscarriage of justice compensation payment, Mother and Baby Scheme payment";

(b) in each of sub-paragraphs (2) to (5) and (6) for "or a miscarriage of justice compensation payment" substitute ", a miscarriage of justice compensation payment or a Mother and Baby Scheme payment".

---

(**a**) Section 176(1)(a) was amended by paragraph 23 of Schedule 9 to the Local Government Finance Act 1992 (c. 14).
(**b**) S.I. 1997/2205; relevant amending instrument is S.I. 2025/44.
(**c**) Number 20 of 2023 of the Acts of the Oireachtas of the Republic of Ireland.
(**d**) S.I. 2002/1792; relevant amending instruments are S.I. 2004/1141, 2005/2877, 3391, 2010/641, 2011/2425, 2017/329, 689, 870, 2020/618, 2021/1405, 2023/640, 1144, 2025/44, 778, 884.

**Amendment of the Housing Benefit Regulations 2006**

**4.**—(1) The Housing Benefit Regulations 2006(**a**) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of "miscarriage of justice compensation payment" insert—

> ""Mother and Baby Scheme payment" means a payment under the Mother and Baby Institutions Payment Scheme established by the Irish Government under section 5 of the Irish Mother and Baby Institutions Payment Scheme Act 2023;";

(b) in the definition of "qualifying person" for "or a miscarriage of justice compensation payment" substitute ", a miscarriage of justice compensation payment or a Mother and Baby Scheme payment".

(3) In regulation 42(7A) (notional income) after sub-paragraph (f) insert— ";

> (g) a Mother and Baby Scheme payment.".

(4) In regulation 46(6) (income treated as capital) after "a miscarriage of justice compensation payment" insert ", a Mother and Baby Scheme payment".

(5) In regulation 49(4A) (notional capital) after sub-paragraph (g) insert— ";

> (h) a Mother and Baby Scheme payment.".

(6) In regulation 74(9) (non-dependant deductions) after sub-paragraph (bf) insert—

> "(bg) any Mother and Baby Scheme payment;".

(7) In Schedule 5 (sums to be disregarded in the calculation of income other than earnings), in paragraph 35—

(a) in sub-paragraph (1A) after paragraph (f) insert— ";

> (g) Mother and Baby Scheme payment.";

(b) in each of sub-paragraphs (2) to (6) for "or a miscarriage of justice compensation payment" substitute ", a miscarriage of justice compensation payment or a Mother and Baby Scheme payment".

(8) In Schedule 6 (capital to be disregarded), in paragraph 24—

(a) in sub-paragraph (1A) for "or miscarriage of justice compensation payment" substitute ", miscarriage of justice compensation payment, Mother and Baby Scheme payment";

(b) in each of sub-paragraphs (2) to (5) and (6) for "or a miscarriage of justice compensation payment" substitute ", a miscarriage of justice compensation payment or a Mother and Baby Scheme payment".

**Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006**

**5.**—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(**b**) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of "miscarriage of justice compensation payment" insert—

---

(**a**) S.I. 2006/213; relevant amending instruments are S.I. 2007/2868, 2008/2767, 2010/641, 2011/2425, 2017/329, 689, 870, 2020/618, 2021/1405, 2023/640, 1144, 2025/44, 778.

(**b**) S.I. 2006/214; relevant amending instruments are S.I. 2007/2869, 2010/641, 2011/2425, 2017/329, 689, 870, 2020/618, 2021/1405, 2023/640, 1144, 2025/44, 778.

""Mother and Baby Scheme payment" means a payment under the Mother and Baby Institutions Payment Scheme established by the Irish Government under section 5 of the Irish Mother and Baby Institutions Payment Scheme Act 2023;";

(b) in the definition of "qualifying person" for "or a miscarriage of justice compensation payment" substitute ", a miscarriage of justice compensation payment or a Mother and Baby Scheme payment".

(3) In regulation 55(10) (non-dependant deductions) after sub-paragraph (bf) insert—

"(bg) any Mother and Baby Scheme payment;".

(4) In Schedule 6 (capital to be disregarded), in paragraph 16—

(a) in sub-paragraph (1A) for "or miscarriage of justice compensation payment" substitute ", miscarriage of justice compensation payment, Mother and Baby Scheme payment";

(b) in each of sub-paragraphs (2) to (5) and (6) for "or a miscarriage of justice compensation payment" substitute ", a miscarriage of justice compensation payment or a Mother and Baby Scheme payment".

**Amendment of the Employment and Support Allowance Regulations 2008**

**6.**—(1) The Employment and Support Allowance Regulations 2008(**a**) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of "mobility supplement" insert—

""Mother and Baby Scheme payment" means a payment under the Mother and Baby Institutions Payment Scheme established by the Irish Government under section 5 of the Irish Mother and Baby Institutions Payment Scheme Act 2023;";

(b) in the definition of "qualifying person" for "or a miscarriage of justice compensation payment" substitute ", a miscarriage of justice compensation payment or a Mother and Baby Scheme payment".

(3) In regulation 107(5A) (notional income – income due to be paid or income paid to or in respect of a third party) after sub-paragraph (f) insert— ";

(g) a Mother and Baby Scheme payment.".

(4) In regulation 112(8)(b) (income treated as capital) after paragraph (vi) insert— ";

(vii) Mother and Baby Scheme payment.".

(5) In regulation 115(5A) (notional capital) after sub-paragraph (g) insert— ";

(h) a Mother and Baby Scheme payment.".

(6) In Schedule 6 (housing costs), in paragraph 19(8)(b), for "or miscarriage of justice compensation payment" substitute ", miscarriage of justice compensation payment, Mother and Baby Scheme payment".

(7) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings), in paragraph 41—

(a) in sub-paragraph (1A), after paragraph (f) insert— ";

(g) Mother and Baby Scheme payment.";

(**a**) S.I. 2008/794; relevant amending instruments are S.I. 2008/2428, 2010/641, 2011/2425, 2017/329, 689, 870, 2020/618, 2021/1405, 2023/640, 1144, 2025/44, 778.

(b) in each of sub-paragraphs (2) to (6) for "or a miscarriage of justice compensation payment" substitute ", a miscarriage of justice compensation payment or a Mother and Baby Scheme payment".

(8) In Schedule 9 (capital to be disregarded), in paragraph 27—

(a) in sub-paragraph (1A) for "or miscarriage of justice compensation payment" substitute ", miscarriage of justice compensation payment, Mother and Baby Scheme payment";

(b) in each of sub-paragraphs (2) to (5) and (6) for "or a miscarriage of justice compensation payment" substitute ", a miscarriage of justice compensation payment or a Mother and Baby Scheme payment".

**Amendment of the Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations 2008**

**7.** In regulation 7(2) of the Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations 2008 (exempted trusts and payments)(**a**), after sub-paragraph (r) insert— ";

(s) any payment that is made under the Mother and Baby Institutions Payment Scheme established by the Irish Government under section 5 of the Irish Mother and Baby Institutions Payment Scheme Act 2023.".

**Amendment of the Universal Credit Regulations 2013**

**8.**—(1) The Universal Credit Regulations 2013(**b**) are amended as follows.

(2) In regulation 55(2)(b) (employed earnings), after "Part 4" insert "(other than section 232)".

(3) In regulation 76 (special schemes for compensation etc.), after paragraph (1D) insert—

"(1E) This regulation also applies where a person receives a payment under the Mother and Baby Institutions Payment Scheme established by the Irish Government under section 5 of the Irish Mother and Baby Institutions Payment Scheme Act 2023.".

**Amendment of the Social Security (Overpayments and Recovery) Regulations 2013**

**9.** In regulation 14(2)(a) of the Social Security (Overpayments and Recovery) Regulations 2013 (recovery by deduction from state pension credit)(**c**) for the words "5 times 5 per cent." substitute "8 times 5 per cent.".

**Amendment of the Personal Independence Payment (Transitional Provisions) Regulations 2013**

**10.**—(1) The Personal Independence Payment (Transitional Provisions) Regulations 2013(**d**) are amended as follows.

(2) In regulation 13 (failure to provide information etc.)—

(a) after paragraph (1) insert—

"(1A) Where it is accepted that the claimant had good reason for the failure giving rise to a determination under paragraph (1), whether or not at the same time as making an assessment determination, the determination under paragraph (1) is treated as not made

(**a**) S.I. 2008/1596; relevant amending instrument is S.I. 2025/44.
(**b**) S.I. 2013/376; relevant amending instrument is S.I. 2025/778.
(**c**) S.I. 2013/384, to which there are amendments not relevant to these Regulations.
(**d**) S.I. 2013/387; relevant amending instrument is S.I. 2016/189.

and the transfer claimant's entitlement to disability living allowance is reinstated as if the determination had never been made.";

(b) omit paragraph (2).

(3) In regulation 17 (procedure following and consequences of determination of claim for personal independence payment)—

(a) in paragraph (1)(b), omit "except where paragraph (2) of regulation 13 applies to the claimant,";

(b) omit paragraph (2)(b);

(c) in paragraph (3)(a), omit "except where paragraph (2) of regulation 13 applies to the claimant,".

**Amendment of the Universal Credit (Transitional Provisions) Regulations 2014**

**11.** In regulation 55 of the Universal Credit (Transitional Provisions) Regulations 2014 (the transitional element - initial amount and adjustment where other elements increase)(**a**)—

(a) in paragraph (4), for "paragraphs (5) and (5A)" substitute "paragraphs (5), (5A) and (5B)";

(b) after paragraph (5A), insert—

"(5B) In an assessment period where—

(a) the carer element has been replaced by the LCW element or the LCWRA element, or

(b) the LCW element or the LCWRA element has been replaced by the carer element,

the "relevant increase" is to be treated as the net increase (if any) produced by deducting the amount of the element which is being removed from the amount of the element replacing it.";

(c) in paragraph (6)—

(i) after "In this regulation," insert ""carer element",";

(ii) after ""housing costs element"" omit ", "LCW element"";

(d) after paragraph (6), insert—

"(7) In this regulation, "LCW element" has the same meaning as in regulation 27 of the Universal Credit Regulations 2013 as it has effect apart from the amendments made by regulation 4(4) of the Employment and Support Allowance and Universal Credit (Miscellaneous Amendments and Transitional and Savings Provisions) Regulations 2017(**b**).".

**Amendment of the Universal Credit, Personal Independence Payment and Employment and Support Allowance (Amendment) Regulations 2026**

**12.** In regulation 1 of the Universal Credit, Personal Independence Payment and Employment and Support Allowance (Amendment) Regulations 2026 (citation, commencement and extent)(**c**)—

(a) in paragraph (2), for "Any" substitute "Subject to paragraph (3), any";

(b) after paragraph (2), insert—

"(3) Regulation 3 extends to England and Wales only.".

(**a**) S.I. 2014/1230; relevant amending instruments are S.I. 2019/1152, 2022/752 and 2025/3.
(**b**) S.I. 2017/204.
(**c**) S.I. 2026/395.

Signed by authority of the Secretary of State for Work and Pensions

*Stephen Timms*
Minister of State
6th October 2026 Department for Work and Pensions

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make amendments to the Social Security (Recovery of Benefits) Regulations 1997 (S.I. 1997/2205), the State Pension Credit Regulations 2002 (S.I. 2002/1792), the Housing Benefit Regulations 2006 (S.I. 2006/213), the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (S.I. 2006/214), the Employment and Support Allowance Regulations 2008 (S.I. 2008/794), the Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations 2008 (S.I. 2008/1596), the Universal Credit Regulations 2013 (S.I. 2013/376), the Social Security (Overpayments and Recovery) Regulations 2013 (S.I. 2013/384), the Personal Independence Payment (Transitional Provisions) Regulations 2013 (S.I. 2013/387) ("the PIP Transitional Regulations"), the Universal Credit (Transitional Provisions) Regulations 2014 (S.I. 2014/1230) and the Universal Credit, Personal Independence Payment and Employment and Support Allowance (Amendment) Regulations 2026 (S.I. 2026/395).

Regulation 1 provides for citation, commencement and extent.

Regulations 2 and 7 amend respectively the Social Security (Recovery of Benefits) Regulations 1997 and the Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations 2008 to exempt payments under the Mother and Baby Institutions Payment Scheme established by the Irish Government under the Irish Mother and Baby Institutions Payment Scheme Act 2023 (No. 20 of 2023 of the Acts of the Oireachtas of the Republic of Ireland) from compensation recovery pursuant to the Social Security (Recovery of Benefits) Act 1997 (c. 27).

Regulations 3, 4, 5 and 6 amend respectively the State Pension Credit Regulations 2002, the Housing Benefit Regulations 2006, the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 and the Employment and Support Allowance Regulations 2008. In particular, they amend as appropriate provisions regarding which payments are to be disregarded as income and capital for the purposes of calculating entitlement to benefits in order to create new disregards. The disregards cover payments made under the Mother and Baby Institutions Payment Scheme.

Regulation 3 also amends regulation 5 of the State Pension Credit Regulations 2002, which determines whether a person is treated as being or not being a member of the same household as the claimant, including while they are temporarily absent from Great Britain. Paragraph (1D) of regulation 5 provides for a category of permitted temporary absence outside Great Britain applying to persons who, during such a period of absence, were in a country or territory immediately before His Majesty's Government provided public information to advise British nationals to leave that country or territory or arranged the evacuation of British nationals from that country or territory. The amendment makes it clear that this category of permitted absence applies only where the person is abroad pursuant to other temporary absence provisions when the public information was issued or the evacuation began.

Regulation 8 amends the Universal Credit Regulations 2013 to clarify that a claimant's employed earnings for universal credit purposes are not to be reduced by reference to any mileage allowance relief paid through the tax system, and to introduce new disregards for payments made under the Mother and Baby Institutions Payment Scheme.

Regulation 9 amends regulation 14 of the Social Security (Overpayments and Recovery) Regulations 2013 so that the rate of recovery by deduction from state pension credit for overpayments of the prescribed benefits resulting from an admission of fraud, a fraud conviction or an administrative

penalty as an alternative to prosecution is increased from 5 times 5 per cent. (25%) to 8 times 5 per cent. (40%). Regulation 9 corrects a defect in the Social Security (Overpayments and Recovery) Amendment Regulations 2015 (S.I. 2015/499) which should have contained the amendment.

Regulation 10 amends regulation 13 of the PIP Transitional Regulations, which makes provision for ending an award of disability living allowance (DLA) where a transfer claimant (as defined in regulation 2 of those Regulations) fails to comply with requirements connected with a personal independence payment (PIP) claim. Regulation 13 of the PIP Transitional Regulations applies in two scenarios. The first is where a 'negative determination' is made under regulation 8 or 9 of the Social Security (Personal Independence Payment) Regulations 2013 (S.I. 2013/377) because the claimant has failed to provide information or evidence or has failed to attend or participate in a required consultation. The second is where there is a determination that the claimant has failed to comply with a requirement imposed under regulation 35 or 37 of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013 (S.I. 2013/380) in connection with a PIP claim. Regulation 10 inserts a new paragraph (1A) into regulation 13 of the PIP Transitional Regulations. The new paragraph provides that where it is determined that the claimant had good reason for the failure giving rise to a determination under regulation 13(1), that determination is treated as not having been made and the claimant's award of DLA is reinstated as if the determination had never been made. This applies regardless of whether entitlement to PIP is determined as part of the same revision, appeal or other proceedings. Regulation 10 also removes regulation 13(2) and makes consequential amendments to regulation 17. The effect is that successful good reason claimants are treated under the same legislative framework and are subject to the same DLA run-on and PIP commencement provisions as other transfer claimants, regardless of how or when entitlement to PIP is determined.

Regulation 11 provides that when calculating the adjustment of a transitional element under regulation 55 of the Universal Credit (Transitional Provisions) Regulations 2014, if the LCW element or the LCWRA element replaces the carer element, or if the carer element replaces either the LCW element or the LCWRA element, the "relevant increase" is the net increase (if any) between the two amounts.

Regulation 12 amends the extent provision in the Universal Credit, Personal Independence Payment and Employment and Support Allowance (Amendment) Regulations 2026 to clarify that regulation 3 extends to England and Wales only.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

---

© Crown Copyright 2026

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Saul Nassé, Controller of His Majesty's Stationery Office and King's Printer of Acts of Parliament.

ISBN 978-0-34-828749-3

£8.90

http://www.legislation.gov.uk/id/uksi/2026/1063