EXPLANATORY MEMORANDUM TO

THE SOCIAL SECURITY (MISCELLANEOUS AMENDMENTS) REGULATIONS 2026

2026 No. 1063

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

2.1 Sir Stephen Timms, Minister for Social Security and Disability at the Department for Work and Pensions confirms that this Explanatory Memorandum meets the required standard.

2.2 Clare Brookes, Deputy Director for Poverty and Universal Credit Policy, at the Department for Work and Pensions confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Blanche Potter at the Department for Work and Pensions can be contacted by email at the following address with any queries regarding the instrument: uc.policyspoc@dwp.gov.uk.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument makes amendments and modifications to various social security regulations relating to Universal Credit (UC), Pension Credit (PC), Housing Benefit (HB), Personal Independence Payment (PIP) and Employment and Support Allowance (ESA). The amendments include:

- Changes to clarify that unreimbursed mileage allowance should not trigger UC recalculation.
- Changes to UC transitional provisions regulations to limit the level of erosion of the Transitional Element in payment in certain circumstances and to correct a minor historic drafting error.
- Changes to PC, UC, HB and income-related ESA to disregard compensation payments under the Republic of Ireland Mother and Baby Institutions Payment Scheme.
- Changes to PC temporary absence provisions to rectify a minor drafting error.
- Changes to correct an inconsistency in the maximum rate of deductions in PC for fraud overpayment recovery.
- Changes to the PIP transitional regulations to provide clarity and consistency when good reason is later established following an earlier negative determination decision during the Disability Living Allowance to PIP transfer process.

- Changes to 'Right to Try' regulations to rectify a technical error in the extent provision.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England, Scotland and Wales, apart from the amendments to the Personal Independence Payment (Transitional Provisions) Regulations 2013 (SI 2013/387) and Regulation 1 of the Universal Credit, Personal Independence Payment and Employment and Support Allowance (Amendment) Regulations 2026 (SI 2026/395), which extend to England and Wales only.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England, Scotland and Wales, apart from the amendments to the Personal Independence Payment (Transitional Provisions) Regulations 2013 (SI 2013/387) and Regulation 1 of the Universal Credit, Personal Independence Payment and Employment and Support Allowance (Amendment) Regulations 2026 (SI 2026/395), which apply to England and Wales only.

5. Policy Context

What is being done and why?

5.1 **Payment of Mileage Allowance Relief and Universal Credit (UC)**

5.2 Changes to the Universal Credit Regulations 2013 (SI 2013/376): Regulation 55 clarify that relief for unreimbursed mileage allowance costs are not payable through UC. Instead, they should continue to be claimed through His Majesty's Revenue and Customs. The change therefore aligns the legislation with the existing policy intent and operational practice.

5.3 **Universal Credit (UC) Transitional Protection and the interaction between the Carer Element (CE) and Limited Capability for Work (LCW) and Limited Capability for Work and Work-Related Activity (LCWRA)**

5.4 Changes to the Universal Credit (Transitional Provisions) Regulations 2014 (SI 2014/1230): Regulation 55(5B) address the MJ v Secretary of State for Work and Pensions Upper Tribunal (UT) judgment[1]. This ruling concluded that the erosion of the Transitional Element (TE) in circumstances where a customer had TE and CE in payment and then, in a subsequent assessment period, had LCWRA included, was discriminatory. The UT ruled that the TE must erode only by the difference between LCWRA and CE, not by the full LCWRA addition.

5.5 This amendment puts into statute the UT decision on how TE should erode in these instances, however it goes further in applying the principle of difference-based TE erosion, where Carer and Health elements for UC interact, to ensure there is parity for customers that have similar outcomes.

5.6 This also corrects a drafting error as set out in paragraph 6.8.

5.7 **Disregard of payments under the Republic of Ireland Mother and Baby Institutions Payment Scheme**

[1] https://www.gov.uk/administrative-appeals-tribunal-decisions/secretary-of-state-for-work-and-pensions-v-mj-2025-ukut-035-aac

5.8 Changes to various Department for Work and Pensions regulations are being made following the introduction of the Mother and Baby Institutions Payment Scheme[2] ("the scheme"). The scheme was established by the Irish Government to provide financial redress in acknowledgement of the circumstances experienced by unmarried women and their children while resident in Mother and Baby and County Home Institutions during the period 1922 to 1998.

5.9 Of the c.34,000 estimated to be eligible for a payment, around 40% (c.13,600) are thought to live outside Ireland, the majority of these in the United Kingdom. The scheme opened in March 2024 and remains open for applications until March 2029[3]. As at 19 June 2026, 715 people living in Great Britain (GB) had applied for a payment; of these, 545 had been made an offer and 513 had been paid. The average payment was €20,400 (around £17,600).

5.10 A person's entitlement to Department for Work and Pensions income-related benefits is subject to income and capital rules which mean that unless it can be ignored, receipt of a compensation payment could reduce or end entitlement. A disregard is being introduced so that eligible former residents now living in GB and in receipt of an income-related benefit[4] would not face a loss of benefit if they applied to the scheme and were offered a payment. These payments are ignored in the Irish welfare system.

5.11 Additionally, payments made under the scheme will be exempt from the Department's compensation recovery scheme. This means that payments made under the scheme will not be reduced through the recovery of social security benefits. The exemption ensures that recipients retain the full value of any payment awarded and supports the policy intention that the financial redress provided by the scheme should benefit recipients in full.

5.12 **Temporary Absence Abroad: Pension Credit (PC) Correction**

5.13 Changes to Regulation 5(1D) of the State Pension Credit Regulations 2002 (SI 2002/1792) correct a drafting error.

5.14 A person must normally be in GB to be entitled to PC. Regulations provide a limited exception to this rule, allowing entitlement to continue during a temporary absence abroad. For income-related benefits including PC, the permitted period of temporary absence is normally four weeks but can be up to eight weeks if in connection with a bereavement, or 26 weeks for medical treatment or convalescence. The same rules apply in respect of members of a customer's household (i.e. their partner, or child or young person they are responsible for) in determining the period for which they can continue to be included in the customer's award.

5.15 The Social Security (Habitual Residence, Past Presence and Temporary Absence) (Amendment) Regulations 2025 (SI 2025/884), introduced in July 2025, extended the permitted period to a maximum of 26 weeks in total where a person has travelled to a country that the Government has subsequently advised British nationals to leave, or from which the Government has arranged evacuation, due to the onset of a crisis. A condition of entitlement to the extension is that they must still be within another permitted period of temporary absence at the time the advice to leave is issued or the evacuation is arranged.

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[2] https://www.gov.ie/en/department-of-children-disability-and-equality/campaigns/mother-and-baby-institutions-payment-scheme/

[3] https://www.gov.ie/en/department-of-children-disability-and-equality/publications/how-to-apply-to-the-payment-scheme/

[4] Universal Credit, Pension Credit, Housing Benefit or income-related Employment and Support Allowance

5.16 In the amendments to the Pension Credit regulations, this condition was applied in respect of a customer's absence abroad but was inadvertently missed in the corresponding amendments to the regulation relating to the absence abroad of a member of the customer's household. The effect of the omission is that a customer whose partner (for example) was abroad and failed to meet that additional condition would potentially be in a more favourable position than a customer who themselves did not meet that condition. The proposed amendment corrects this omission.

5.17 **Deductions from Pension Credit (PC) to recover Fraud Overpayments**

5.18 Changes to Regulation 14 of the Social Security (Overpayments and Recovery) Regulations 2013 (SI 2013/384) correct a drafting error.

5.19 On 8 April 2014, the Government announced a package of measures to strengthen the integrity of the benefits system. One of those measures was to increase the maximum rate at which deductions could be made from certain social security benefits to recover overpayments arising from fraud, from 25% to 40% of the relevant personal allowance. The intention was to strengthen the consequences of benefit fraud and enable fraud-related overpayments to be recovered more quickly.

5.20 Due to an oversight, Regulation 14 of the Social Security (Overpayments and Recovery) Regulations 2013 (SI 2013/384), which sets the maximum rate of deduction from State PC for the recovery of certain overpayments, was not updated alongside the 2015 amendments to the wider fraud recovery framework, established by the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988 (SI 1988/664), to reflect the Government's policy intent that a maximum deduction rate of 40% should apply in cases of fraud.

5.21 **Personal Independence Payment (PIP) Transitional Provisions. Good Reason established following a negative determination**

5.22 Changes to the Personal Independence Payment (Transitional Provisions) Regulations 2013 (SI 2013/387) ("the Transitional Regulations") provide for what will happen when a customer, moving from Disability Living Allowance (DLA) to PIP, who has had a negative determination[5] made because they have failed to meet a requirement of the PIP claims process, has that decision overturned as they have later demonstrated good reason[6] for that failure. This is to provide clarity following two Upper Tribunal decisions.

5.23 PIP replaced DLA for working age customers. The transitional regulations set out how DLA entitlement ends during the move to PIP including where a customer does not comply with requirements such as providing information or attending a consultation. Customers invited to claim PIP must follow a structured process and meet specified requirements. Failure to meet these requirements can lead to a negative determination which treats the customer as not entitled to PIP. In such cases, DLA ends 14 days after the negative determination is made where no good reason is accepted at that stage.

[5] A negative determination is a decision under Regulations 8(3) or 9(2) of the Personal Independence Payment Regulations 2013 that treats the customer as not entitled to PIP because they have failed to comply with requirements of the PIP claim by not providing information or not attending or participating in a required consultation. The result of that negative determination is that DLA ends under Regulation 13(1) of the transitional regulations.

[6] Good reason follows Regulation 10 of the Personal Independence Payment Regulations 2013 and covers health, disability and any circumstances explaining non-compliance. Guidance recognises examples such as domestic emergencies or not receiving notifications and case law confirms it can include the unsuitability of a consultation location.

5.24 This change means that, if a customer is later found to have had good reason for failing to meet a requirement, the negative determination is treated as if it was never made. This applies whether or not the Personal Independence Payment (PIP) entitlement decision is made at the same time. The customer's Disability Living Allowance (DLA) is therefore restored as if it had never stopped, putting them back in the position they would have been in if the negative determination had not been made.

5.25 Ambiguity in the transitional regulations about the effect of a later finding of good reason has led to two conflicting Upper Tribunal (UT) decisions. The UT decision in OM v Secretary of State for Work and Pensions (PIP) [2017] UKUT 458 (AAC)[7] held that when good reason is later accepted, the negative determination should be treated as not made and DLA should continue until a PIP entitlement decision is made.

5.26 A later UT decision in SR v Secretary of State for Work and Pensions (PIP) [2024] UKUT 308 (AAC)[8] interpreted the legislation differently and held that DLA still terminates under Regulation 13(1) even when good reason is accepted. The decision also treated PIP as payable only from the day after DLA ended which meant that the customer would have no benefit in payment until the PIP award was made. This created a gap in benefit entitlement and departed from the approach taken in OM v Secretary of State for Work and Pensions.

5.27 This instrument resolves the uncertainty created by the differing approaches in OM v Secretary of State for Work and Pensions and SR v Secretary of State for Work and Pensions. It ensures that all customers who subsequently establish good reason are treated under the same legislative framework, regardless of whether entitlement to PIP is determined at a later date or as part of the same proceedings. In every case, DLA will end under the ordinary Regulation 17 rules and PIP entitlement will begin from the following day.

5.28 **'Right to Try' Territorial Extent Correction**

5.29 Changes to the Universal Credit, Personal Independence Payment and Employment and Support Allowance (Amendment) Regulations 2026 (SI 2026/395) (also known as the 'Right to Try' regulations) correct a drafting error. These regulations were made on 9 April 2026 and came into force on 30 April 2026.

5.30 Regulation 1(2) of the 'Right to Try' regulations extends Regulation 3 to England, Wales and Scotland, which is incorrect as PIP is now devolved in Scotland. The extent of Regulation 3 should have been confined to England and Wales only.

5.31 This provision corrects a technical error in the extent provision (Regulation 1(2)) of the 'Right to Try' regulations to clarify that Regulation 3 extends to England and Wales only.

What was the previous policy, how is this different?

5.32 For the following measures, the changes are minor technical amendments and clarifications and do not change previous policy:

- Payment of Mileage Allowance Relief and Universal Credit.
- Deductions from Pension Credit to recover Fraud Overpayments.
- Temporary Absence Abroad: Pension Credit Correction.

[7] https://www.gov.uk/administrative-appeals-tribunal-decisions/om-v-secretary-of-state-for-work-and-pensions-pip-2017-ukut-458-aac

[8] https://www.gov.uk/administrative-appeals-tribunal-decisions/sr-v-secretary-of-state-for-work-and-pensions-pip-2024-ukut-308-aac

- ‘Right to Try’ Territorial Extent Correction.

5.33 The following measures result in changes to the policy, as described below:

5.34 **Universal Credit (UC) Transitional Protection and the interaction between the Carer Element (CE) and Limited Capability for Work (LCW) and Limited Capability for Work and Work-Related Activity (LCWRA)**

5.35 Regulation 29 of the Universal Credit Regulations 2013 (SI 2013/376) sets rules for adding a CE to the UC award of those with caring responsibilities of 35 hours a week and over. A UC health condition element (LCW and LCWRA) is contingent on the customer not being available or able to work 35 hours a week. CE and LCWRA cannot therefore be paid in the same assessment period.

5.36 Regulation 55 of the Universal Credit (Transitional Provisions) Regulations 2014 (SI 2014/1230) stipulates, amongst other things, how the Transitional Element (TE) is adjusted when other elements of the UC award are added or existing elements in payment increase. These ‘relevant increases’ decrease the TE in payment by the same amount (erosion) with an exception applied for childcare costs.

5.37 In MJ v Secretary of State for Work and Pensions, the Upper Tribunal found the interaction between CE and LCWRA to be discriminatory, as it is possible for a customer to lose CE and have TE in payment fully eroded, resulting in an overall reduction in the award, even though they have a worsening health condition. We have also extended this principle to cover where LCW or LCWRA is removed and CE is added within the same Assessment Period.

5.38 Regulation 55(5B) of the Universal Credit (Transitional Provisions) Regulations 2014 (SI 2014/1230) provides an alternate principle of TE erosion in the specific instance where a customer is in receipt of LCW/LCWRA and is awarded CE, or vice versa. The ‘relevant increase’ that erodes the TE in payment in such cases is now the net increase (if any) between the two elements, CE and LCW/LCWRA.

5.39 **Disregard of payments under the Republic of Ireland Mother and Baby Institutions Payment Scheme**

5.40 The Department has previously introduced regulations that provide for an indefinite capital and income disregard and exemption from the Social Security (Recovery of Benefits) Act 1997 (SI 1997/27) for a number of other compensation schemes [9]. Introducing legislation in respect of the Mother and Baby Institutions Payment Scheme will enable payments made by the scheme to be disregarded in the same way and mean that payments will not affect entitlement.

5.41 **Personal Independence Payment (PIP) Transitional Provisions. Good Reason established following a negative determination**

5.42 Before later case law, when a customer failed to meet a PIP requirement and good reason was not accepted at that point, Disability Living Allowance (DLA) terminated under Regulation 13(1) of the transitional regulations and was not reinstated. If PIP was later awarded, it began on the day after DLA ended.

5.43 The OM v Secretary of State for Work and Pensions ruling established that DLA should continue when good reason is accepted, however, this principle did not appear expressly in the legislation. The Department recognised the potential financial

[9] For example: the Lesbian, Gay, Bisexual and Transgender (LGBT) Financial Recognition Scheme; the Infected Blood Compensation Scheme, and payments made to people affected by the Grenfell Tower fire and the Post Office Horizon IT failure.

hardship not reinstating Disability Living Allowance (DLA) could have and accepted the decision and from that date DLA has been reinstated with the DLA ending 28 days after the Personal Independence Payment (PIP) assessment determination. If awarded PIP, the customer would be paid PIP from the day DLA ended. The SR v Secretary of State for Work and Pensions decision created uncertainty by interpreting Regulation 13(1) of the transitional regulations in a way that could still end Disability Living Allowance, despite good reason being shown.

5.44 The amendment makes changes to Personal Independence Payment (Transitional Provisions) Regulations 2013 (SI 2013/387) which confirms that when good reason is accepted for the failure that led to the negative determination, that determination is treated as not made. DLA therefore continues or is reinstated as if the determination had never been made. The customer remains within the ordinary DLA-to-PIP transfer process and DLA ends in accordance with Regulation 17. The effect of these amendments is that all successful good reason customers will ultimately receive the same DLA run on period and PIP start date outcome.

6. Legislative and Legal Context

How has the law changed?

6.1 **Payment of Mileage Allowance Relief and Universal Credit (UC)**

6.2 The amendment aligns the legislation with existing policy and operational practice, determining that unreimbursed mileage allowance should be paid via His Majesty's Revenue and Customs. This provides legal certainty and reduces the risk of legal challenge.

6.3 **Universal Credit (UC) Transitional Protection and the interaction between the Carer Element (CE) and Limited Capability for Work (LCW) and Limited Capability for Work and Work-Related Activity (LCWRA)**

6.4 First, to implement the MJ v Secretary of State for Work and Pensions ruling, the rules on Transitional Element (TE) erosion in Regulation 55 of the Universal Credit (Transitional Provisions) Regulations 2014 (SI 2014/1230) are being changed to ensure that where customers have been awarded CE and have a TE in their award that is greater than nil from any point in their second assessment period onwards, and are subsequently awarded LCWRA, the TE is eroded only by the net increase (if any) between the elements.

6.5 Second, the same principle of partial erosion is to be applied to situations adjacent to the MJ v Secretary of State scenario where customers have similar outcomes, as follows:

- A customer in receipt of LCW is awarded CE, replacing LCW.
- A customer in receipt of CE but entitled to LCW has their CE removed and LCW is consequentially awarded.
- A customer in receipt of LCWRA but entitled to CE has their LCWRA removed and CE is consequentially awarded.

6.6 This ruling does not disagree with the principles of calculating TE erosion for claims which do not fit scenarios in paragraphs 6.4 and 6.5.

6.7 Such claims continue using the same principles and methods of TE erosion that are already in place in Regulation 55(4) of the Universal Credit (Transitional Provisions) Regulations 2014 (SI 2014/1230).

6.8 This instrument also makes a corrective amendment to regulation 55(6) of the Universal Credit (Transitional Provisions) Regulations 2014 (SI 2014/1230), which defines "LCW element" by reference to the definition in regulation 2 of the Universal Credit Regulations 2013 (SI 2013/376), which no longer exists. The amendment includes a new definition of "LCW element" in regulation 55(7) to preserve the intended meaning of the term.

6.9 **Disregard of payments under the Republic of Ireland Mother and Baby Institutions Payment Scheme**

6.10 This instrument makes amendments to the State Pension Credit Regulations 2002 (SI 2002/1792), the Housing Benefit Regulations 2006 (SI 2006/213), the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 (SI 2006/214), the Employment and Support Allowance Regulations 2008 (SI 2008/794), and the Universal Credit Regulations 2013 (SI 2013/376). The amendments enable payments made under the scheme to be disregarded indefinitely when assessing entitlement to these benefits. The disregard will apply to payments whenever made, including payments made before this instrument comes into force.

6.11 This instrument also amends the Social Security (Recovery of Benefits) Regulations 1997 (SI 1997/2205) and the Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations 2008 (SI 2008/1596) to exempt payments made by the scheme from the Department's compensation recovery process.

6.12 **Temporary Absence Abroad: Pension Credit (PC) Correction**

6.13 This instrument amends Regulation 5 of the State Pension Credit Regulations 2002 (SI 2002/1792) which sets out when a person is treated as a member of the customer's household, including when they are absent abroad. It inserts a new sub-paragraph corresponding to the provision in Regulation 3 of those regulations, which relates to a customer's absence abroad, to clarify that the extension of up to 26 weeks to the period of permitted absence applies only when the household member is still within another permitted temporary absence period when advice to leave is issued or evacuation is arranged.

6.14 **Deductions from Pension Credit (PC) to recover Fraud Overpayments**

6.15 The instrument amends Regulation 14 of the Social Security (Overpayments and Recovery) Regulations 2013 (SI 2013/384) to increase the maximum rate of deduction from PC for certain fraud-related overpayments from 25% to 40% of the personal allowance.

6.16 This aligns the PC provisions with the wider framework established by the Social Security (Payments on account, Overpayments and Recovery) Regulations 1988 (SI 1988/664), as amended in 2015.

6.17 **Personal Independence Payment (PIP) Transitional Provisions. Good Reason established following a negative determination**

6.18 This instrument amends the Personal Independence Payment (Transitional Provisions) Regulations 2013 (SI 2013/387) to reflect the decision in OM v Secretary of State for Work and Pensions (PIP) [2017] UKUT 458 (AAC).

6.19 The amendment is needed to provide that where good reason is accepted, the determination under Regulation 13(1) is treated as not having been made and, as a result, Disability Living Allowance is reinstated as if entitlement had never ceased.

Disability Living Allowance (DLA) then ends in accordance with Regulation 17 and Personal Independence Payment (PIP) begins from the following day.

6.20 Regulation 13(1A) clarifies that where it is determined that the customer had good reason for the failure giving rise to the Regulation 13(1) determination, that determination is treated as not having been made and entitlement to DLA is reinstated as if it had never ended. This applies both where entitlement to PIP remains to be determined and where entitlement to PIP is determined as part of the same revision, appeal or other proceedings. This means the statutory trigger that would have ended DLA never occurs and Regulation 13(1) cannot bring DLA to an end. Because there is no valid negative determination to end entitlement, DLA must continue or be reinstated to the position it would have been in had the determination never been issued. The customer resumes the normal PIP journey without any break in payment.

6.21 Regulation 13(2) has been removed because all successful good reason cases are now addressed through Regulation 13(1A), including cases where entitlement to PIP is determined as part of the same revision, appeal or other proceedings. Regulation 17(1) has been amended to remove the reference to Regulation 13(2), Regulation 17(2)(b) has been removed, and Regulation 17(3) has been amended consequentially. These changes ensure that all customers who subsequently establish good reason are treated under the same legislative framework and are subject to the DLA run-on and PIP commencement provisions, regardless of how or when entitlement to PIP is determined. This promotes consistency, equal treatment and legal certainty across the DLA-to-PIP transfer process.

6.22 The effect of these amendments is that all successful good reason customers will ultimately receive the same DLA run-on period and PIP start date outcome, regardless of the route by which entitlement is determined. This will resolve the ambiguity in the existing regulations by ensuring that all successful good reason cases, including those where entitlement to PIP has already been determined as part of the same revision, appeal or other proceedings, are treated under a single legislative framework.

6.23 **‘Right to Try’ Territorial Extent Correction**

6.24 This proposed provision amends Regulation 1(2) of the Right to Try Regulations (SI 2026/395) to insert a new paragraph (3) to clarify that Regulation 3 extends to England and Wales only.

6.25 No indirect or wider impacts are anticipated to result from correcting the drafting error in the original amending regulations.

Why was this approach taken to change the law?

6.26 This is the only possible approach to make the necessary changes; with the exception of:

6.27 **Personal Independence Payment (PIP) Transitional Provisions. Good Reason established following a negative determination**

6.28 Legislation is required because the existing drafting of the transitional regulations did not expressly state what happens to DLA when a negative determination is later overturned after good reason is accepted. The Upper Tribunal (UT) decisions in OM v Secretary of State for Work and Pensions and SR v Secretary of State for Work and Pensions reached different conclusions about the effect of a negative determination when good reason is later accepted, which created uncertainty for customers and decision makers and risked gaps in entitlement.

6.29 The amendment adopts the approach in OM v Secretary of State for Work and Pensions because it reflects the policy intention that customers should not experience a break in support when they later show good reason for non-compliance. The legislative change is therefore needed to provide clarity in the law, ensure consistent decision making and prevent hardship caused by premature termination of Disability Living Allowance (DLA) before the Personal Independence Payment (PIP) entitlement decision is made.

6.30 The UT decisions in OM v Secretary of State for Work and Pensions and SR v Secretary of State for Work and Pensions take different approaches to the relationship between Regulations 13 and 17, producing different outcomes in materially similar cases. Legislative amendment is therefore required to provide certainty. The effect is that all successful good reason customers will ultimately be subject to the same DLA run on period and PIP start date rules, regardless of the route by which entitlement is determined.

7. Consultation

Summary of consultation outcome and methodology

7.1 The Department presented the draft regulations to the Social Security Advisory Committee on 15 July 2026 and 17 July 2026. The committee agreed to the measures and did not take the regulations on formal reference. The minutes[10] for the meeting will be published in due course.

7.2 The Department has a statutory duty to consult the Local Authority Associations[11] on amendments to Housing Benefit (HB) regulations. They were consulted on the Republic of Ireland Mother and Baby Scheme Disregard, as this impacts both HB and pension-age HB. No comments were received.

8. Applicable Guidance

8.1 Where relevant, Operational Guidance for the Department for Work and Pensions (the Decision Makers' Guide and Advice for Decision Makers on Gov.uk)[12] will be updated and in place when the legislation comes into force on 30 October 2026.

8.2 For the changes to HB regulations, guidance will be issued to local authority staff before the regulations come into force and will be published on Gov.uk[13].

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because this statutory instrument primarily consists of measures that clarify and/or strengthen policies and minor, technical amendments to social security regulations and has no impact on businesses.

[10] https://www.gov.uk/government/collections/social-security-advisory-committee-minutes-of-meetings
[11] The Local Government Association, the London Councils, the Convention of Scottish Local Authorities & the Welsh Local Government Association.
[12] https://www.gov.uk/government/collections/decision-makers-guide-staff-guide
[13] https://www.gov.uk/government/collections/housing-benefit-for-local-authorities-circulars

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because this statutory instrument primarily consists of measures that clarify and/or strengthen policies and minor, technical amendments to social security regulations.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no, or no significant, impact on the public sector resulting from the measures in the package. This instrument primarily consists of measures that clarify and/or strengthen policies and minor, technical amendments to social security regulations.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is that there are no plans to formally review the impacts of these changes, given they are minor amendments to provide clarity and to strengthen existing policies.

10.2 For the Personal Independence Payment Transitional Provisions amendment, the Department will monitor any future tribunal decisions relating to Regulation 13 to ensure consistent interpretation and correct application of the amended provision.

10.3 The instrument does not include a statutory review clause.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 Regulations 3(3), 8(2), 9, 11(c) and (d) and 12 of this instrument correct errors in the following legislation:

- Regulation 3(3) amends the State Pension Credit Regulations 2002 (SI 2002/1792);
- Regulation 8(2) amends the Universal Credit Regulations 2013 (SI 2013/376);
- Regulation 9 amends the Social Security (Overpayments and Recovery) Regulations 2013 (SI 2013/384);
- Regulation 11(c) and (d) amends the Universal Credit (Transitional Provisions) Regulations 2014 (SI 2014/1230);
- Regulation 12 amends the Universal Credit, Personal Independence Payment and Employment and Support Allowance (Amendment) Regulations 2026 (SI 2026/395).

11.2 In particular, regulation 8(2) clarifies the drafting in regulation 55(2)(b) of the Universal Credit Regulations 2013 in line with policy intent, and regulation 11(c) and (d) corrects an erroneous cross-reference in the definition of "LCW element" in regulation 55(6) of the Universal Credit (Transitional Provisions) Regulations 2014.

11.3 This instrument is therefore being published under the free issue procedure. Having complied with the requirement stated in paragraph 4.7.6 of the Statutory Instrument Practice to consult with the SI Registrar, the Department has decided that there are reasonable grounds to apply the procedure given the length of this instrument and the mix of new and correcting provisions.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").