STATUTORY INSTRUMENTS

2025 No. 1198

SOCIAL SECURITY

The Social Security (Residence in an EEA State or Switzerland) (Amendment) Regulations 2025

Made - - - -	*17th November 2025*
Laid before Parliament	*18th November 2025*
Coming into force - -	*10th December 2025*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 70(4), 71(6) and 175(1) and (3) of the Social Security Contributions and Benefits Act 1992(**a**) and sections 77(3) and 94(1) and (2) of the Welfare Reform Act 2012(**b**).

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

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Social Security (Residence in an EEA State or Switzerland) (Amendment) Regulations 2025 and come into force on 10th December 2025.

(2) These Regulations extend to England and Wales.

Amendment to the Social Security (Invalid Care Allowance) Regulations 1976

2. For paragraph (b) of regulation 9B of the Social Security (Invalid Care Allowance) Regulations 1976 (persons residing in an EEA state or in Switzerland to whom a relevant EU Regulation applies)(**d**) substitute—

> "(b) a relevant EU Regulation—
>
> (i) applies to the person; or
>
> (ii) except where the person has been habitually resident in the United Kingdom after 31st December 2020, applied to the person on 31st December 2020 and they have been continuously in receipt of a carer's allowance on and from that date; and".

(**a**) 1992 c. 4. Section 175(1) was amended by paragraph 29(1) and (2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2). See section 122(1) for the meaning of "prescribe".
(**b**) 2012 c. 5. See section 95 for the meaning of "prescribed".
(**c**) 1992 c. 5.
(**d**) S.I. 1976/409; relevant amending instruments are S.I. 2013/389, 2019/128, 2024/936.

Amendment to the Social Security (Disability Living Allowance) Regulations 1991

3. For paragraph (b) of regulation 2B of the Social Security (Disability Living Allowance) Regulations 1991 (persons residing in an EEA state or in Switzerland to whom a relevant EU Regulation applies)(**a**) substitute—

"(b) a relevant EU Regulation—

(i) applies to the person; or

(ii) except where the person has been habitually resident in the United Kingdom after 31st December 2020, applied to the person on 31st December 2020 and they have been continuously in receipt of the care component of disability living allowance on and from that date; and".

Amendment to the Social Security (Personal Independence Payment) Regulations 2013

4. For paragraph (b) of regulation 23 of the Social Security (Personal Independence Payment) Regulations 2013 (persons residing in an EEA state or in Switzerland to whom a relevant EU Regulation applies)(**b**) substitute—

"(b) a relevant EU Regulation—

(i) applies to C; or

(ii) except where C has been habitually resident in the United Kingdom after 31st December 2020, applied to C on 31st December 2020 and they have been continuously in receipt of the daily living component of personal independence payment on and from that date; and".

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

Stephen Timms
Minister of State
Department for Work and Pensions

17th November 2025

(**a**) S.I. 1991/2890; relevant amending instruments are S.I. 2013/389, 2019/128, 2024/936.
(**b**) S.I. 2013/377; relevant amending instruments are S.I. 2019/128, 2024/936.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Security (Invalid Care Allowance) Regulations 1976 (S.I. 1976/409), the Social Security (Disability Living Allowance) Regulations 1991 (S.I. 1991/2890) and the Social Security (Personal Independence Payment) Regulations 2013 (S.I. 2013/377). They reflect that claimants, to whom a relevant EU regulation applied on 31st December 2020 (the date of the end of the transition period following the UK's withdrawal from the EU), maintain their rights to carer's allowance, the care component of disability living allowance and the daily living component of personal independence payment subject to certain conditions. The individual must have continuously received these benefits since 31st December 2020, and they must not have been habitually resident in the United Kingdom on or after that date. These regulations do not create a ground for new claims but provide a legislative basis to continue paying benefits already in payment.

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

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