STATUTORY RULES OF NORTHERN IRELAND

2025 No. 183

SOCIAL SECURITY

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

Made - - - -	*19th November 2025*
Coming into operation -	*10th December 2025*

The Department for Communities(**a**) makes the following Regulations in exercise of the powers conferred by sections 70(4), 71(6) and 171(1) and (3) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**b**), and now vested in it(**c**), and Article 82(3) of the Welfare Reform (Northern Ireland) Order 2015(**d**).

Citation, commencement and interpretation

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

(2) The Interpretation Act (Northern Ireland) 1954(**e**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Social Security (Invalid Care Allowance) Regulations

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

"(b) a relevant EU Regulation—

(i) applies to the person; or

(ii) applied to the person on 31st December 2020 and the person has been continuously in receipt of a carer's allowance on and from that date, except where the person has been habitually resident in the United Kingdom after 31st December 2020;".

(**a**) *See* section 1(7) of the Departments Act (Northern Ireland) 2016 (c. 5 (N.I.))
(**b**) 1992 c. 7; section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21)
(**c**) *See* Article 8(b) of S.R. 1999 No. 481
(**d**) S.I. 2015/2006 (N.I. 1); *see* Article 2 of the Welfare Reform (Northern Ireland) Order 2015 (Cessation of Transitory Provision) Order 2020 (S.I. 2020/927)
(**e**) 1954 c. 33 (N.I.)
(**f**) S.R. 1976 No. 99; regulations 9A and 9B were inserted by regulation 2(3) of S.R. 2016 No. 229; relevant amending Regulations are S.I. 2019/129 and S.R. 2024 No. 163
(**g**) The heading to regulation 9B was amended by paragraph 1(2)(a) of the Schedule to S.I. 2019/129

Amendment of the Social Security (Disability Living Allowance) Regulations

3. In regulation 2B of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992(**a**) (persons residing in an EEA state or in Switzerland to whom a relevant EU Regulation applies(**b**)) for paragraph (b) substitute—

"(b) a relevant EU Regulation—

(i) applies to the person; or

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

Amendment of the Personal Independence Payment Regulations

4. In regulation 23 of the Personal Independence Payment Regulations (Northern Ireland) 2016(**c**) (persons residing in an EEA state or in Switzerland to whom a relevant EU Regulation applies(**d**)) for paragraph (b) substitute—

"(b) a relevant EU Regulation—

(i) applies to C; or

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

Sealed with the Official Seal of the Department for Communities on 19th November 2025

(L.S.)

David Tarr
A senior officer of the Department for Communities

(**a**) S.R. 1992 No. 32; regulations 2A and 2B were inserted by regulation 4(4) of S.R. 2016 No. 229; relevant amending Regulations are S.I. 2019/129 and S.R. 2024 No. 163

(**b**) The heading to regulation 2B was amended by paragraph 7(2)(a) of the Schedule to S.I. 2019/129

(**c**) S.R. 2016 No. 217; relevant amending Regulations are S.I. 2019/129 and S.R. 2024 No. 163

(**d**) The heading to regulation 23 was amended by paragraph 11(2)(a) of the Schedule to S.I. 2019/129

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 1 provides for citation, commencement and interpretation.

Regulations 2 to 4 amend the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976, the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992 and the Personal Independence Payment Regulations (Northern Ireland) 2016 respectively. The amendments provide that claimants who were living in an EEA state or Switzerland and to whom a relevant EU Regulation applied on 31st December 2020 (the last day of the transition period), maintain their rights to Carer's Allowance, the care component of Disability Living Allowance and the daily living component of Personal Independence Payment, respectively, subject to certain conditions. The claimant must have been in continuous receipt of the benefit from 31st December 2020 and must not have been habitually resident in the United Kingdom after that date. These Regulations do not create grounds for new claims but rather provide a legislative basis for the continued payment of these benefits.

These Regulations make in relation to Northern Ireland only provision corresponding to provision contained in Regulations made by the Secretary of State for Work and Pensions in relation to Great Britain and accordingly, by virtue of section 149(3) of, and paragraph 10 of Schedule 5 to, the Social Security Administration (Northern Ireland) Act 1992, are not subject to the requirement of section 149(2) of that Act for prior reference to the Social Security Advisory Committee.

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£6.40

http://www.legislation.gov.uk/id/nisr/2025/183

ISBN 978-0-33-802551-7

