EXPLANATORY MEMORANDUM TO

The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) (Amendment) Regulations (Northern Ireland) 2026

S.R. 2026 No. 88

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Communities ("the Department") to accompany the Statutory Rule (details above) which is to be laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under Articles 11(3) and 74(1), (3) and (6) of the Social Security (Northern Ireland) Order 1998 and is subject to the negative resolution procedure.

2. Purpose

2.1 These Regulations amend the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016 to add an additional supersession ground which enables the Department to extend the length of a fixed term award of Personal Independence Payment (PIP), where doing so is needed to safeguard the efficient administration of PIP.

2.2 In determining whether to extend the length of a fixed term award, the Department may consider matters such as assessment and decision-making capacity, public health crisis, or any other urgent considerations that make an extension of an award necessary to ensure ongoing payment of the benefit. These extensions produce a decision which can be appealed.

3. Background

3.1 To be entitled to PIP, a claimant must meet certain criteria set out under the Personal Independence Payment Regulations (Northern Ireland) 2016. This is often based on a report from a Healthcare Professional approved by the Department, who carries out an assessment to help determine whether the PIP eligibility criteria are met.

3.2 Awards are made for a fixed period of time unless deemed inappropriate to do so, as set out in Article 93 of the Welfare Reform (Northern Ireland) Order 2015. The award end date is set when the decision is made. An award review date is generally set 12 months before the award end date, to allow the Department to check whether entitlement should continue.

3.3 The length of a PIP award is part of the entitlement decision, which also determines what rate of PIP a claimant should get. Entitlement to PIP ends when the award end date is reached, unless the Department makes a further decision.

3.4 Regulations only allow an aspect of a decision to be changed by either 'revision', or 'supersession'. Revision changes the original decision that was made, due to an error or omission which meant the original decision was not correct. Supersession makes a new decision, which takes effect from a later date. A decision made following an award review is usually a supersession.

3.5 The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016 currently provide that, for PIP, a supersession decision can only be made where: there has been an error in the previous decision; or, there has been a relevant change in the claimant's circumstances; or, where further evidence has been provided by a Healthcare Professional approved by the Department.

3.6 Where there is no error in the previous decision nor a change of circumstances, the Regulations effectively require an assessment by a Healthcare Professional to extend entitlement to PIP. The only alternative would be for the claimant to reclaim PIP on expiry of the earlier award. This can impact the administration of PIP as a whole and have negative consequences for claimants who should otherwise remain in receipt of PIP.

3.7 These Regulations will create a new ground for supersession, which will grant a discretion for the Department to extend awards of PIP. The ground will be limited to extending awards of benefit only where necessary to safeguard the efficient administration of PIP and will enable people to receive payment for longer. This will ensure effective decision making that is proportionate, appropriate and fair by removing unnecessary administrative burden.

3.8 Safeguarding the efficient administration of PIP means an extension may be applied in limited circumstances to meet potential future challenges such as, but not limited to, national emergencies (for example war or health crises such as the COVID-19 pandemic requiring the extension of awards to ensure benefit remains in payment), as well as more specific administrative difficulties such as system outage and serious resource limitations which mean that full assessments cannot be undertaken.

3.9 The new rule cannot be used by a decision maker to remove entitlement or reduce the length of an award. It cannot be used to increase or decrease the rate of PIP a claimant receives. As with all supersession decisions in PIP, extensions made under this power will carry a right of appeal following a Mandatory Reconsideration.

3.10 Decision makers acting on behalf of the Department, and tribunals considering decisions at appeal may still make awards for shorter or longer terms, depending on the individual's circumstances.

3.11 If someone's condition or circumstances change in a way that may affect how much PIP they should receive, they must inform the Department. The Department will then review the award in light of that change, so that people receive the correct amount of PIP. Claimants who have their award extended by the new power will be reminded of this in their decision letter.

Reminders of the importance of notifying changes of circumstances are also issued with annual uprating letters and displayed on nidirect.gov.uk.

4. Consultation

4.1 As the 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 consultation with the Social Security Advisory Committee is not required.

5. Equality Impact

5.1 In accordance with its duty under section 75 of the Northern Ireland Act 1998, the Department has conducted a screening exercise on proposals for these Regulations and concluded that they do not have significant implications for equality of opportunity or good relations. In light of this, the Department considered that an equality impact assessment is not necessary.

6. Regulatory Impact

6.1 The Regulations do not require a Regulatory Impact Assessment as they do not impose any costs on business, charities, social enterprises or voluntary bodies.

7. Financial Implications

7.1 Any costs arising as a result of these Regulations are not expected to be significant.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Department is satisfied that these Regulations comply with section 24 of the Northern Ireland Act 1998 (Convention rights, etc.).

9. EU Implications

9.1 Not applicable.

10. Parity or Replicatory Measure

10.1 The corresponding Regulations made by the Secretary of State for Work and Pensions are the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) (Amendment) Regulations 2026.

10.2 In line with the long-standing policy of parity in social security, these Regulations will come into operation on the same date as the corresponding Regulations, or as soon as possible afterwards. Parity of timing and substance is an integral part of the maintenance of single systems of social security, pensions and child support, as provided for in section 87 of the Northern Ireland Act 1998.

11. Additional Information

11.1 Not applicable.