Personal Independence Payment – The Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2026

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Introduction

1. The purpose of this memo is to give guidance to decision makers on the Social Security (Miscellaneous Amendments) Regulations (Northern Ireland) 2026[1]. The amendments came into force on 30.10.26.

1 SS (Misc Amdts) Regs (NI) 26

Background

2. These regulations make changes to Regulations[1] in respect of where a person entitled to Disability Living Allowance claims Personal Independence Payment and they fail to provide information or fail to attend a consultation. This includes where the Department makes a determination of non-compliance within a requirement imposed under the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations (Northern Ireland) 2016[2].

1 PIP (TP) Regs (NI) 16; 2 UC, PIP, JSA & ESA (C&P) Regs (NI) 16, reg 34, reg 36

Personal Independence Payment - Transfer claimants from Disability Living Allowance

Failure to provide information or attend a consultation, including where good reason is accepted giving rise to a determination

3. ADM P5054 gives guidance that when a transfer claimant makes a claim to Personal Independence Payment, and the decision maker makes a negative determination in relation to both components due to failing to provide information or failing to attend or participate in a consultation, then the Disability Living Allowance is terminated with effect from the last day of the period of 14 days starting with the first pay day after the day on which the determination is made[1]. From 30.10.26, where

1. the claimant has failed to provide information, attend or participate in a consultation and a negative determination has been made **or**

2. the Department determines that the claimant has failed to comply with a requirement imposed by the decision maker[2] (for example, failed to supply information about their claim, medical information or information about

their specific needs) made in writing by electronic means, when it is sent to the appropriate office **and**

where it is accepted 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. The transfer claimant's entitlement to Disability Living Allowance is reinstated as if that determination had never been made.

This applies whether entitlement to Personal Independence Payment is determined as part of the same revision, appeal or other proceedings or is determined later. Regulation 13(2) and regulation 17(4)(b) are omitted, and the related exceptions in regulation 17 are removed. The ordinary provisions of regulation 17 therefore determine when Disability Living Allowance ends and where Personal Independence Payment is awarded, when Personal Independence Payment entitlement begins. See ADM P5062 and P5063.

Note: ADM P2056 to P2057 gives guidance of a negative determination.

1 PIP (TP) Regs (NI) 16; 2 UC, PIP, JSA & ESA (C&P) Regs (NI) 16, reg 34, reg 36

Example

The claimant is entitled to Disability Living Allowance and is invited to claim Personal Independence Payment. The claimant makes a claim to Personal Independence Payment and is required to attend or participate in a consultation with a healthcare professional, which they fail to attend. The decision maker makes enquiries as to the reason for not attending the consultation but does not get a response from the claimant. A "negative determination" is therefore made in relation to both components under regulation 9(2) of the Personal Independence Payment Regulations (Northern Ireland) 2016 and the claimant's Disability Living Allowance is terminated with effect from the last day of the period of 14 days starting with the first pay day after the day on which the determination is made. The claimant subsequently provides evidence that the claimant had good reason for not attending. The "negative determination" is

therefore treated as not made and the claimant's entitlement to Disability Living Allowance is reinstated as if that determination had never been made.

Annotations

The number of this memo should be annotated against the following ADM paragraph: P5054

Contacts

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