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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2025 No.**

**SOCIAL SECURITY**

**The Carer’s Assistance (Young Carer Grant and Carer Support Payment) (Miscellaneous Amendment and Saving Provision) (Scotland) Regulations 2025**

*Made* - - - - 2025

*Coming into force* - *in accordance with regulation 1*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 28(2), 41(4)(a), 43(5), 51(1), 52, 81(8) and 95 of the Social Security (Scotland) Act 2018 (a) and all other powers enabling them to do so.

In accordance with section 96(2) of that Act, a draft of these Regulations has been laid before and approved by resolution of the Scottish Parliament.

In accordance with section 97(2) of that Act, the Scottish Ministers have informed the Scottish Commission on Social Security of their proposals, notified the Scottish Parliament that they have done so and made their proposals publicly available by such means as they consider appropriate.

**PART 1**

**Introductory and interpretation**

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Carer’s Assistance (Young Carer Grant and Carer Support Payment) (Miscellaneous Amendment and Saving Provision) (Scotland) Regulations 2025 and come into force on [CIF Date].

(2) In these Regulations—

“the 2018 Act” means the Social Security (Scotland) Act 2018.

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(a) 2018 asp 9 (“the 2018 Act”), relevantly amended by paragraphs 2 and 4 of schedule 7 of the Coronavirus (Scotland) Act 2020 (asp 7) and section 12 of the Social Security Administration and Tribunal Membership (Scotland) Act 2020 (asp 18) (“the 2020 Act”). Schedules 2 and 11 of the 2018 Act, respectively make provision about the exercise of powers under sections 28 and 51. Schedule 11 of the 2018 Act was inserted by section 12(4) of the 2020 Act. The powers to make these Regulations are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) and they are subject to the affirmative procedure by virtue of section 33(3) of that Act.

## PART 2

### Young Carer Grants

#### **Amendment of the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019**

- 2.—(1) The Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019(a) are amended in accordance with paragraphs (2) and (3).
- (2) In regulation 4(1) (making of applications) for “19” substitute “20”.
- (3) In regulation 7(6) (further eligibility conditions) for “three” substitute “4”.

## PART 3

### [Carer Support]

#### **Amendment of the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023**

- 3.—(1) The Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023 are amended in accordance with paragraphs (2) to (19).
- (2) In regulation 2 (interpretation)—
- (a) after the definition of “the 1992 Act” insert—
- ““additional cared for person” is a person who receives regular and substantial care in terms of regulation 14B(1)(b) and 14B(2),”
- (b) after the definition of “cared for person” insert—
- ““Carer Additional Person Payment” means Carer Additional Person Payment given in accordance with these regulations,”
- (c) after the definition of “Carer's Allowance” insert—
- ““[Carer Support]“ means carer's assistance given in accordance with these Regulations,”
- (d) in the definition of “Carer Support Payment” for “carer's assistance” substitute “Carer Support Payment”,
- (e) after the definition of “relevant EU Regulation” insert—
- ““Scottish Carer Supplement“ means Scottish Carer Supplement given in accordance with these Regulations,”
- (3) In Part 2 for the heading substitute “[Carer Support]”.
- (4) For regulation 3 (overview) substitute—

#### **“Overview**

- 3.—(1) [Carer Support] is to consist of the following components—
- (a) Carer Support Payment,
- (b) Scottish Carer Supplement, and
- (c) Carer Additional Person Payment.
- (2) An individual is entitled to [Carer Support] in accordance with these Regulations if they meet the eligibility rules in—

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(a) S.S.I. 2019/324, amended by S.S.I. 2020/99, S.S.I. 2020/475 and S.S.I. 2023/258.

- (a) regulation 4 (age criteria),
- (b) regulations 6 to 11 (residence and presence conditions),
- (c) regulation 12 (entitlement to other benefits),
- (d) regulation 13 (individuals in education), and
- (e) for Carer Support Payment—
  - (i) regulation 5 (provision of care to a cared for person), and
  - (ii) regulation 14 (earnings limit),
- (f) for Scottish Carer Supplement, regulation 14A (Scottish Carer Supplement), and
- (g) for Carer Additional Person Payment, regulation 14B (Carer Additional Person Payment).”.

(5) In the following provisions, for “Carer Support Payment” substitute “[Carer Support]” in each place it occurs—

- (a) regulation 4 (age criteria),
- (b) regulation 6 (residence and presence conditions),
- (c) regulation 10 (persons residing in the United Kingdom to whom a relevant EU regulation applies),
- (d) regulation 11 (persons residing outside the United Kingdom to whom a relevant EU regulation applies),
- (e) regulation 12 (entitlement to other benefits),
- (f) regulation 13 (individuals in education),
- (g) regulation 15 (making payments),
- (h) regulation 18 (when an application is to be treated as made and beginning of entitlement to assistance),
- (i) regulation 22 (time of payment),
- (j) regulation 25 (continuing eligibility),
- (k) regulation 26 (form of payment – giving Carer Support Payment by way of deduction),
- (l) regulation 29 (circumstances in which assistance may be suspended),
- (m) regulation 30 (having regard to financial circumstances),
- (n) regulation 31 (information to be given following suspension),
- (o) regulation 32 (right to review suspension),
- (p) regulation 34 (effect of suspension ending),
- (q) in Part 6 in the heading,
- (r) regulation 35 (consideration of entitlement after specified period),
- (s) regulation 37 (determination following official error – underpayments),
- (t) regulation 38 (determination following error – overpayments),
- (u) regulation 39 (determination to effect a deduction decision),
- (v) regulation 41 (individuals in respect of whom Carer’s Allowance is paid in another part of the United Kingdom immediately before moving to Scotland),
- (w) regulation 42 (individuals in respect of whom Carer Support Payment is paid at the time of moving to another part of the United Kingdom),
- (x) regulation 43 (periods in respect of a re-determination request).

(6) In regulation 5(6), for ”paragraph (2)” substitute “paragraph (1)”.

(7) In regulation 6 (residence and presence)—

- (a) at the end of paragraph (6)(b) after “cared for person” insert “or as the case may be, an additional cared for person”.

- (b) in paragraph (7) for “individual and cared for person” substitute “individual, cared for person or additional cared for person”.
- (8) After regulation 14 (earnings limit) insert—

**“Scottish Carer Supplement**

**14A.** An individual is entitled to be paid Scottish Carer Supplement for each award week in which Carer Support Payment is payable to that individual.

**Carer Additional Person Payment**

**14B.—**(1) An individual is entitled to be paid Carer Additional Person Payment for each award week in which—

- (a) Carer Support Payment is payable to the individual, and
  - (b) the individual provides regular and substantial care to an additional cared for person to whom a qualifying disability benefit is normally payable.
- (2) The additional cared for person mentioned in paragraph (1)(b) is a different person from the cared for person.
- (3) An individual may be entitled to Carer Additional Person Payment in respect of more than one additional cared for person.
- (4) For the purposes of paragraph (1)(b), an individual shall only be treated as being regularly and substantially engaged in caring for an additional cared for person on every day in a week if they are, or are likely to be, regularly engaged for at least 20 hours in an award week in caring for that additional cared for person.
- (5) The care for the additional cared for person must not be provided by an individual—
- (a) under or by virtue of a contract, unless the contract is of a kind specified by regulations made under section 1(3) of the Carers (Scotland) Act 2016 as not to be regarded as a contract for the purposes of that Act, or
  - (b) as voluntary work done for a charity or other not-for-profit organisation for which no payment is received other than reasonable expenses.
- (6) An individual may be entitled to Carer Additional Person Payment in respect of an additional cared for person where another individual is entitled to—
- (a) Carer Support Payment,
  - (b) Carer’s Allowance,
  - (c) the carer element of Universal Credit,
  - (d) Young Carer Grant,
- in respect of that additional cared for person.
- (7) No individual can be entitled to Carer Additional Person Payment in respect of an additional cared for person where another individual is entitled to Carer Additional Personal Payment in respect of that additional cared for person.”.
- (9) For regulation 16 (amount and form of Carer Support Payment) substitute—

**“Amount and form of [Carer Support]**

**16.—**(1) Subject to regulation 21 (amount and form of carer support payment where payments are backdated), the weekly rate of payment of Carer Support Payment is [£81.90].

(1A) The weekly rate of payment of Scottish Carer Supplement is [£11.10].

(1B) The weekly rate of payment of Carer Additional Person Payment is [£10.00].

(2) For any award week where an individual is entitled to one or more overlapping benefit, the amount of Carer Support Payment that is to be given to the individual is to be reduced—

- (a) by the amount of the overlapping benefit paid, or
- (b) where the amount of the overlapping benefit is equal to or greater than the amount of Carer Support Payment, the value of Carer Support Payment that is to be given to the individual is £0.

(3) In this regulation “overlapping benefit” means—

- (a) State Pension or Retirement Pension,
- (b) Incapacity Benefit,
- (c) Severe Disablement Allowance,
- (d) Unemployability Supplement that is paid with Industrial Injuries Disablement benefit or War Pension,
- (e) Widow’s Allowance or Widow’s Benefit or Widowed Parent’s Allowance or Widowed Mother’s Allowance or Widow’s Pension, excluding additional pension,
- (f) Bereavement Allowance,
- (g) War Widow’s or Widower’s Pension,
- (h) Maternity Allowance,
- (i) Industrial Death Benefit,
- (j) Contribution-based Jobseeker’s Allowance,
- (k) Contributory Employment and Support Allowance,
- (l) Training Allowance.

(4) When the cared for person dies and an individual was entitled to [Carer Support] in respect of that cared for person immediately before their death, the individual’s entitlement to [Carer Support] will continue to be paid until whichever of the following comes first—

- (a) until the first day of the award week following the award week in which the individual ceases to satisfy any of the eligibility requirements set out in regulations 6 to 14, or

(b) where the cared for person died on or after [CIF date], for a period of 12 award weeks after the first day of the award week following the award week in which the cared for person died.

(4A) When the additional cared for person dies and an individual was entitled to Carer Additional Person Payment in respect of that additional cared for person immediately before their death, the individual’s entitlement to Carer Additional Person Payment will continue to be paid until whichever of the following comes first—

- (a) until the first day of the award week following the award week in which the individual ceases to satisfy any of the eligibility requirements set out in regulations in regulation 6 to 13 and 14B, or
- (b) for a period of 12 award weeks after the first day of the award week following the award week in which the additional cared for person died.

(5) [Carer Support] may only be given as money, except as provided for by—

- (a) for Carer Support Payment, regulation 17 (abatement in respect of a relevant benefit), or
- (b) regulation 26 (form of payment – giving [Carer Support] by way of deduction).

(6) For the purposes of this regulation—

“1914-1918 War Injuries Scheme” means any scheme made under the Injuries in War (Compensation) Act 1914 or under the Injuries in War Compensation Act 1914 (Session 2) or any Government scheme for compensation in respect of persons injured in any merchant ship or fishing vessel as the result of hostilities during the 1914-1918 War,

“Bereavement Allowance” means an allowance referred to in section 39B of the 1992 Act subject to the transitional provisions specified in article 4 of the Pensions Act 2014 (Commencement No.10) Order 2017,

“Contribution-based Jobseeker’s Allowance” means an allowance under the Jobseekers Act 1995 as amended by the provisions of Part 1 of Schedule 14 to the Welfare Reform Act 2012 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers Act as that Act has effect apart from those provisions,

“Contributory Employment and Support Allowance” means an allowance under Part 1 of the Welfare Reform Act 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 Act that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act 2007 as that Part has effect apart from those provisions,

“Incapacity Benefit” means a benefit referred to in section 30A of the 1992 Act,

“Industrial Death Benefit” means a benefit referred to in Part VI of Schedule 7 to the 1992 Act,

“Maternity Allowance” means an allowance referred to in sections 35 and 35B of the 1992 Act,

“Personal Injuries Scheme” means any scheme made under the Personal Injuries (Emergency Provisions) Act 1939 or under the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939,

“Retirement Pension” means a pension payable under Part II and Part III of the 1992 Act, excluding any additional pension or graduated retirement benefit,

“Service Pensions Instrument” means any instrument described in sub-paragraphs (a) or (b) below in so far, but only in so far, as the pensions or other benefits provided by that instrument are not calculated or determined by reference to length of service, namely:—

- (a) any instrument made in exercise of powers—
  - (i) referred to in section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977 (pensions or other benefits for disablement or death due to service in the armed forces of the Crown); or
  - (ii) under section 1 of the Polish Resettlement Act 1947 (pensions and other benefits for disablement or death due to service in certain Polish forces); or
- (b) any instrument under which a pension or other benefit may be paid to a person (not being a member of the armed forces of the Crown) out of public funds in respect of death or disablement, wound, injury or disease due to service in any nursing service or other auxiliary service of any of the armed forces of the Crown, or in any other organisation established under the control of the Defence Council or formerly established under the control of the Admiralty, the Army Council or the Air Council,

“Severe Disablement Allowance” means an allowance referred to in sections 68 and 69 of the 1992 Act,

“State Pension” means a pension payable under Part 1 of the Pensions Act 2014,

“Training Allowance” means an allowance (whether by way of periodical grants or otherwise) payable out of public funds by a Government department or by or on behalf of Scottish Enterprise, Highlands and Islands Enterprise, the Secretary of State, the National Assembly for Wales to a person for their maintenance, or in respect of any dependant of theirs, for the period, or part of the period, during which they are following a course of training or instruction provided by, or in pursuance of arrangements made with, that department or approved by that department in relation to them or so provided or approved by or on behalf of the Scottish Enterprise, Highlands and Islands Enterprise, the National Assembly for Wales or the said Commission but it does not include—

- (a) an allowance paid by any Government department to or in respect of a person by reason of the fact that they are following a course of full-time education or is training as a teacher, or
- (b) a payment made by or on behalf of Scottish Enterprise, Highlands and Islands Enterprise or the Secretary of State to any person by way of training premium or

training bonus in consequence of that person's use of facilities for training provided in pursuance of arrangements made under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990,

“Unemployability Supplement” includes an increase on account of unemployability under any Personal Injuries Scheme, Service Pensions Instrument or 1914-1918 War Injuries Scheme,

“War Widow's Pension” means any widow's or surviving civil partner's pension or allowance granted in respect of a death due to service or war injury and payable by virtue of any enactment mentioned in paragraph (a) of the definition of “War Disablement Pension” in regulation 2, or a pension or allowance for a widow or surviving civil partner granted under any scheme mentioned in section 641(1)(e) or (f) of the Income Tax (Earnings and Pensions) Act 2003,

“Widowed Mother's Allowance” means an allowance referred to in section 37 of the 1992 Act,

“Widowed Parent's Allowance” means an allowance referred to in section 39A of the 1992 Act,

“Widow's Pension” means a pension referred to in section 38 of the 1992 Act.”.

(10) After regulation 18(2) (when an application is to be treated as made and beginning of entitlement to assistance) insert—

“(2A) Where paragraph (2)(b) applies in relation to an individual's entitlement to Scottish Carer Supplement or Carer Additional Person Payment, the date chosen must be no earlier than [CIF date].”.

(11) In regulation 19 (applications made within 13 weeks of a qualifying disability benefit decision) at the end insert—

“(4) This regulation applies to Carer Additional Person Payment with the following modifications—

- (a) the references to “Carer Support Payment” are to be read as “Carer Additional Person Payment”,
- (b) the references to “cared for person” are to be read as “additional cared for person”,
- (c) where paragraph (1) applies, the entitlement to Carer Additional Person Payment is to begin on the first day of the award week in which, as a result of that relevant qualifying disability benefit decision, entitlement to that benefit begins, provided that—
  - (i) the individual satisfied the eligibility requirements set out in Part 3 of these Regulations on that date, and
  - (ii) the date falls no earlier than [CIF].

(5) Where paragraph (1) applies, entitlement to Scottish Carer Supplement will begin on—

- (a) the same date as identified in accordance with paragraph (1), or
- (b) [CIF date],

whichever is later.”.

(12) For regulation 23 (temporary stop in entitlement) substitute—

**“Temporary stop in entitlement**

**23A.**—(1) This paragraph applies where the Scottish Ministers have made a determination without application under regulation 36 (determination following a change of circumstances etc.) that an individual is no longer entitled to Carer Support Payment in respect of a cared for person because—

- (a) the individual's earnings in respect of an award week exceeded the earnings limit set out in regulation 14,
- (b) the cared for person has voluntarily relinquished their entitlement to their qualifying disability benefit and the individual therefore no longer satisfies the requirements of regulation 5(1) (provision of care to a cared for person) in respect of an award week, or
- (c) subject to regulation 40 (temporary break in care), the individual failed to satisfy the requirements of regulation 5(1) (provision of care to a cared for person) in respect of an award week.

(1A) This paragraph applies where the Scottish Ministers have made a determination without application under regulation 36 (determination following a change of circumstances etc.) that an individual is no longer entitled to Carer Additional Person Payment in respect of an additional cared for person because—

- (a) the additional cared for person has voluntarily relinquished their entitlement to their qualifying disability benefit and the individual therefore no longer satisfies the requirements of regulation 14B(1)(b) (Carer Additional Person Payment) in respect of an award week, or
- (b) subject to regulation 40 (temporary break in care), the individual failed to satisfy the requirements of regulation 14B(1)(b) (Carer Additional Person Payment) in respect of an award week.

(2) Where paragraph (1) or (1A) applies, the Scottish Ministers are to make a determination without application of the individual's entitlement to Carer Support Payment or Carer Additional Person Payment if, within 26 weeks of the determination mentioned in paragraph (1) or (1A), the Scottish Ministers establish that the individual satisfies the eligibility requirements set out in Part 3 of these Regulations.

(3) The duty on the Scottish Ministers to make a determination without application mentioned in paragraph (2) does not apply—

- (a) in relation to Carer Support Payment where another individual has been awarded—
  - (i) Carer Support Payment,
  - (ii) Carer's Allowance,
  - (iii) the carer element of Universal Credit,

in respect of the cared for person mentioned in paragraph (1), or

- (b) in relation to Carer Additional Person Payment where another individual has been awarded Carer Additional Person Payment in respect of the additional cared for person mentioned in paragraph (1A).

(4) This paragraph applies where an individual who has an ongoing entitlement to Carer Support Payment or Carer Additional Person Payment cares for a cared for person or, as the case may be, an additional cared for person whose qualifying disability benefit has been—

- (a) reduced to £0,
- (b) ended as a result of the cared for person or the additional cared for person—
  - (i) admitted to a hospital or care home, or
  - (ii) in legal detention,
- (c) suspended as a result of—
  - (i) the circumstances mentioned in—
    - (aa) regulation 26A(3)(a) of the Disability Assistance for Children and Young People (Scotland) Regulations 2021, or
    - (bb) regulation 38(3)(a) of the Disability Assistance for Working Age People (Scotland) Regulations 2022,
  - (ii) a failure to provide information in accordance with—



- (aa) regulation 17 of the Social Security and Child Support (Decisions and Appeals) Regulations 1999,
  - (bb) regulation 17 of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999,
  - (cc) regulation 45 of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013, or
  - (dd) regulation 44 of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016, or
- (iii) the circumstances mentioned in—
- (aa) regulation 16(3)(a)(i) or (ii) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999,
  - (bb) regulation 16(3)(a)(i) or (ii) of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999,
  - (cc) regulation 44(2)(a)(i) or (ii) of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013, or
  - (dd) regulation 43(2)(a)(i) or (ii) of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016.

(5) Where paragraph (4) applies, the Scottish Ministers are to make a determination without receiving an application that the individual is no longer entitled to Carer Support Payment or, as the case may be, Carer Additional Person Payment.

(6) Where paragraph (4)(a) or (b) applies, the determination comes into effect on the first day of the award week following the award week in which the cared for person or additional cared for person's qualifying disability benefit has been ended or reduced to £0.

(7) Where paragraph (4)(c) applies, the determination comes into effect on the first day of the award week following the day on which the cared for person or additional cared for person's qualifying disability benefit has been suspended for 4 weeks.

(8) Where paragraph (5) applies, the Scottish Ministers are to make a determination without application of the individual's entitlement to Carer Support Payment or Carer Additional Person Payment if, within 26 weeks of the determination mentioned in paragraph (5), the Scottish Ministers establish that—

- (a) a determination is made that the value of the qualifying disability benefit that is to be given to the cared for person or additional cared for person is an amount more than £0, or
- (b) the suspension of the cared for person or additional cared for person's qualifying disability benefit mentioned in paragraph (4)(c) is ended and the cared for person or, as the case may be, the additional cared for person would have been entitled to the qualifying disability benefit during the period of suspension.

(9) Where paragraph (2) applies, the individual's entitlement to assistance begins—

- (a) where the individual notifies the Scottish Ministers that they satisfy the eligibility requirements set out in Part 3 of these Regulations within 13 weeks of that change occurring, on the first day of the award week in which that change occurred,
- (b) where the individual notifies the Scottish Ministers that they satisfy the eligibility requirements set out in Part 3 of these Regulations later than 13 weeks of the change occurring, but where the Scottish Ministers consider that the individual has good reason for not notifying the change within 13 weeks, on the first day of the award week in which that change occurred,

- (c) where the individual notifies the Scottish Ministers that they satisfy the eligibility requirements set out in Part 3 of these Regulations later than 13 weeks of the change occurring and where the Scottish Ministers do not consider that the individual has good reason for not notifying that change within 13 weeks, on the first day of the award week in which the individual notified that change, or
  - (d) in any other case, the first day of the award week in which the individual satisfies the eligibility requirements set out in Part 3 of these Regulations.
- (10) Where paragraph (8)(a) applies, the individual's entitlement to assistance begins—
- (a) where the individual notifies the Scottish Ministers that the cared for person or additional cared for person's qualifying disability benefit is paid at an amount more than £0 within 13 weeks of that change occurring, on the first day of the award week in which that change occurred,
  - (b) where the individual notifies the Scottish Ministers that the cared for person or additional cared for person's qualifying disability benefit is paid at an amount more than £0 later than 13 weeks of the change occurring, but where the Scottish Ministers consider that the individual has good reason for not notifying the change within 13 weeks, on the first day of the award week in which that change occurred,
  - (c) where the individual notifies the Scottish Ministers that the cared for person or additional cared for person's qualifying disability benefit is paid at an amount more than £0 later than 13 weeks of the change occurring and where the Scottish Ministers do not consider that the individual has good reason for not notifying that change within 13 weeks, on the first day of the award week in which the individual notified that change, or
  - (d) in any other case, the first day of the award week in which the cared for person or additional cared for person's qualifying disability benefit is paid at an amount more than £0.
- (11) Where paragraph (8)(b) applies, the individual's entitlement to assistance begins—
- (a) where it is determined that during the period of suspension, the cared for person or additional cared for person would have been entitled to a qualifying disability benefit in respect of that period, on the first day of the award week in which the cared for person or additional cared for person's entitlement to the qualifying disability benefit begins,
  - (b) in any other event, on the first day of the award week in which the suspension is ended.
- (12) Where this regulation applies to Carer Support Payment in relation to an award week, an individual is not entitled to be paid Scottish Carer Supplement for that award.”.
- (13) In regulation 24 (multiple applications involving the same cared for person)—
- (a) at the end in the heading insert “or additional cared for person”
  - (b) in paragraph (1)—
    - (i) after “Carer Support Payment” insert “or Carer Additional Person Payment”,
    - (ii) after “person” insert “or, as the case may be, an additional cared for person”.
  - (c) in paragraph (2)—
    - (i) after “(provision of care to a cared for person) insert “or regulation 14B(7) (Carer Additional Person Payment)”,
    - (ii) after “Carer Support Payment” insert “or Carer Additional Person Payment”,
    - (iii) after “person” insert “or, as the case may be, an additional cared for person”.
  - (d) in paragraph (6) after each occurrence of “the cared for person” insert “or, as the case may be, an additional cared for person”.
- (14) In regulation 27 (when a decrease in amount or cessation of entitlement takes effect)—
- (a) in paragraph (1)—

- (i) in the first place it occurs, for “Carer Support Payment” substitute “[Carer Support]”,
  - (ii) for “Carer Support Payment ceases” substitute “a component is ceased.”.
- (b) after paragraph (1)(a), insert —
- “(ab) in the case of a decrease pursuant to a determination made under regulation 36(f) or 36(g) (determination following change of circumstances etc.) on the day after the day on which Carer’s Allowance ceased to be paid in respect of the individual.”.
- (15) In regulation 28 (when an increase in amount of entitlement takes the effect),—
- (a) in paragraph (1)—
    - (i) for “Carer Support Payment” substitute “[Carer Support]”,
    - (ii) after “is increased” insert “or their entitlement to a component is awarded”.
  - (b) in paragraph (1)(a) after “in the case of” insert “an award of entitlement to a component or”,
  - (c) in paragraph (1)(b)(i)—
    - (i) after “requirements for” insert “an award of entitlement to a component or”,
    - (ii) for “Carer Support Payment” substitute “[Carer Support]”.
  - (d) after paragraph(1)(a), insert—
 

“(ab) in the case of increase pursuant to a determination made under regulation 36(f) or 36(g) (determination following change of circumstances etc.) on the day after the day on which the individual’s entitlement to Carer’s Allowance ceased to be paid in respect of the individual.”.
- (16) In regulation 29(1) after “some or all of” insert “any component or all components”.
- (17) In regulation 36 (determination following change of circumstances etc.)—
- (a) in the opening words, for each occurrence of “Carer Support Payment” substitute “[Carer Support]”,
  - (b) in sub-paragraph (b) for “the amount of Carer Support Payment” substitute “the amount or components of [Carer Support]”,
  - (c) in sub-paragraph (d), after “person” insert “or the additional cared for person”,
  - (d) in sub-paragraph (e) —
    - (i) for head (i) substitute—
 

“(i) the date chosen by the individual is in accordance with regulation 18, 18A, 18B or 19.”,
    - (ii) at the end of head (i) omit “and”, and
    - (iii) after head (ii), insert—
 

“, and

(iii) the individual notifies the Scottish Ministers within 13 weeks of a determination that an individual is entitled to [Carer Support] unless the Scottish Ministers consider that the individual has good reason for not making a request within 13 weeks.”.
- (18) In regulation 40(1) (temporary breaks in care) at the beginning insert “Except where regulation 40A (temporary stops in care after [CIF date]) applies.”.
- (19) After regulation 40 (temporary stops in care) insert—

**“Temporary stops in care on or after [CIF]**

**40A.**—(1) This regulation applies for any award week where the temporary stop in care commenced on or after [CIF date].

(2) An award week in respect of which an individual fails to satisfy the requirement of regulation 5(2) (provision of care to a cared for person) or 14B(4) (Carer Additional Person

Payment) is to be treated as an award week in respect of which that individual satisfies that requirement if—

- (a) the individual only temporarily ceased to satisfy that requirement,
- (b) the conditions in paragraph (3) and (4) are met.

(3) The conditions referred to in paragraph (2) are that the individual has not failed to satisfy the requirement of regulation 5(2) (provision of care to a cared for person) or 14B(4) (Carer Additional Person Payment)—

- (a) for a period of more than 12 weeks in the 26 weeks ending with the first week of the temporary stop in care, where—
  - (i) that individual was undergoing medical or other treatment as an in-patient in a hospital or similar institution, or
  - (ii) the cared for person or the additional cared for person was undergoing medical or other treatment as an in-patient in a hospital or similar institution, or
- (b) for a period of more than 4 weeks in a period of 26 ending with the first week of the temporary stop in care, where the temporary break in care is for any other reason.

(4) The condition referred to in paragraph (2) is that the individual has not failed to satisfy the requirement of regulation 5(2) (provision of care to a cared for person) or 14B(4) (Carer Additional Person Payment) for more than 12 weeks in the last 26 weeks.

(5) Regulation 14 (earnings limit) does not apply to an individual in respect of an award week mentioned in paragraph (2).

(6) Paragraph (2) applies to an individual who temporarily fails to satisfy the requirement of regulation 5(2) or 14B(4) because they are in legal detention, provided the individual satisfies the requirements of this regulation.”

## PART 4

### Consequential amendments

#### **[Amendment of the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012**

**4.—**(1) The Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012(a) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 27(1)(j) (meaning of “income”)—

- (a) in head (xxi), after “section 81” insert “or Scottish Carer Supplement given under section 28 and schedule 2”,
- (b) after head (xxi) insert—

“(xxia) Carer Additional Person Payment given under section 28 and schedule 2 of the Social Security (Scotland) Act 2018.”

(3) In paragraph 21(2) of schedule 4 (capital disregards)—

- (a) in head (q), after “section 81” insert “or Scottish Carer Supplement new CAS given under section 28 and schedule 2”,
- (b) after head (q) insert—

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(a) S.S.I 2012/319.

“(qa) Carer Additional Person Payment given under section 28 and schedule 2 of the Social Security (Scotland) Act 2018.”.

### **Amendment of the Council Tax Reduction (Scotland) Regulations 2021**

5.—(1) The Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012<sup>(a)</sup> are amended in accordance with paragraphs (2) and (3).

(2) In regulation 57(1)(b)(iva) (meaning of “unearned income”) after “payment” insert “(but ignoring any Carer Allowance Supplement under section 81 of the 2018 Act or assistance under regulation 14A (Scottish Carer Supplement) or regulation 14B (Carer Additional Person Payment) of the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023)”.

(3) In paragraph 24 of schedule 4 (capital to be disregarded) after sub-paragraph (c) insert—

“,

(d) Scottish Carer Supplement paid by virtue of regulations under section 28,

(e) Carer Additional Person Payment paid by virtue of regulations under section 28.”.]

## **PART 5**

### **Repeals, revocation and saving provisions**

#### **Revocation and saving provisions - the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023**

6.—(1) Despite the substitution at regulation 3(9) of these Regulations, regulation 16(4) of the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023 (“the 2023 Regulations”) remains in force for individuals who, on [CIF date], are in receipt of Carer Support Payment in terms of regulation 16(4).

(2) Where an individual is in receipt of Carer Support Payment as a result of paragraph (1) on or after [CIF date], the individual’s entitlement to Carer Support Payment will continue to be paid for a further period of 4 weeks from the day on which their entitlement would have otherwise ceased under regulation 16(4).

(3) Except where paragraph (4) applies, the following provisions of the 2023 Regulations are revoked—

(a) Part 11

(b) Part 12

(c) Part 1 of schedule 1, and

(d) paragraph 9 of schedule 1.

(4) Part 12 and Part 1 of schedule 1 of the 2023 Regulations continue to have effect on or after [CIF] date for any individual to whom regulation 18A (entitlement beginning before individual satisfied the residence requirements in regulation 46) or 18B (entitlement beginning before individual satisfied residence requirements in regulation 46 – individuals in education mentioned in regulation 13(2)) applies.

#### **[Amendment of the Social Security (Scotland) Act 2018**

7.—(1) Section 81 of the 2018 Act is amended in accordance with paragraphs (2) to (5).

(2) In subsection (2)(a), sub-paragraph (ii) and the word “or” immediately preceding this sub-paragraph are repealed.

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(a) S.S.I. 2012/303.

- (3) In subsection (9)(a)—
- (a) before “in receipt” insert the word “was”,
  - (b) sub-paragraph (ii) and the word “or” immediately preceding it are repealed.
- (4) In subsection (11)(a)—
- (a) before “in receipt” insert the word “was”,
  - (b) sub-paragraph (ii) and the word “or” immediately preceding it are repealed.
- (5) In subsection (13)(a)—
- (a) before “in receipt” insert the word “was”,
  - (b) sub-paragraph (ii) and the word “or” immediately preceding it are repealed.]

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

DRAFT