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23 July 2025

Dear Ed,

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

I am writing to share a further draft of the draft Carer's Assistance (Young Carer Grant and Carer Support Payment) (Miscellaneous Amendment and Saving Provision) (Scotland) Regulations 2025 ('the draft amendment regulations') and accompanying policy note, and to confirm our intention to lay the draft amendment regulations before the Scottish Parliament in September this year.

Firstly, I would like to thank the Commission for your scrutiny of the draft amendment regulations shared on 28 November 2024 and the further amendment to regulation 14 of the Carer Support Payment regulations shared on 4 March 2025. We are grateful for the Commission's considerations and have been carefully considering your recommendations.

As you know these are complex regulations and we have, therefore, undertaken a further review, updating the draft amendment regulations to:

- a) take account of the Commission's recommendations, for example, adding provision to clarify for the avoidance of doubt that the care provided to the additional cared for person can be concurrent to that provided for the primary cared for person;
- b) update the drafting to account for the change to our legislative timetable meaning the draft Social Security (Cross-border Provision, Case Transfer and Miscellaneous Amendments) (Scotland) Regulations 2025, also amending the existing Carer Support Payment Regulations, were laid first;

- c) introduce a new 'determination without application' power to award Carer Support to carers with ongoing entitlement to Carer Support Payment on the coming into force date of these amendment regulations;
- d) take account of further consideration of the way various provisions in the 2023 Regs will apply to the overall Carer Support award versus the individual components, updates to the rules on temporary absence from the Common Travel Area to account for the introduction of Carer Additional Person Payment;
- e) include further savings, revocation and transitional provisions; and
- f) make further consequential amendments.

I noted in my letter of 28 November 2024 the delivery and timetable for these improvements was dependent on reaching agreement with the UK Government on the consequential amendments needed to reserved legislation to protect carers' wider support. Discussions with DWP to agree the detail of the delivery timetable for the required Scotland Act Order have proved challenging. I can, however, confirm that the timetable has now been agreed, that the drafting of the Scotland Act Order is now progressing well, and we can expect to deliver the priority improvements to carer benefits - while protecting carers' wider support - by April 2026.

I should be grateful for any final consideration the Commission would be able to give to the draft amendment regulations ahead of my formal response to the Commission's recommendations, which will be published alongside the draft amendment regulations when these are laid in September. My officials would be happy to provide any additional information required.

A copy of this letter, the updated draft amendment regulations, and updated policy note have also been sent to the Convenor of the Social Justice and Social Security Committee.

I would like to thank the Commission once again for its continued support of the work to deliver and improve support for Scotland's carers, particularly given the complexities of this legislation.

Yours sincerely,



**SHIRLEY-ANNE SOMERVILLE**