
DRAFT SCOTTISH STATUTORY INSTRUMENTS

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.

(2) Subject to paragraph (3), these Regulations come into force on 15 March 2026.

(3) Regulations 2, 3(6), (9), (14)(a), (17)(b), (18)(d), (21)(d)(i), 21(d)(ii), (26)(a), (26)(b), (26)(d) and 26(e) come into force on 16 November 2025.

(4) In these Regulations—

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

(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.

“the 2023 Regulations” means the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023.

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 2023 Regulations are amended in accordance with paragraphs (2) to (26).

(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 the Carer Additional Person Payment component of Carer Support 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 “the Carer Support Payment component of Carer Support,”

(e) after the definition of “Scottish Adult Disability Living Allowance” insert—

““Scottish Carer Supplement” means the Scottish Carer Supplement component of Carer Support 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.

(a) S.S.I. 2019/324.

(2) An individual is entitled to Carer Support in accordance with these Regulations if they meet the eligibility rules in—

- (a) regulation 4 (age criteria),
- (b) regulations 6 to 11 (residence and presence conditions),
- (c) regulation 13 (individuals in education), and
- (d) for Carer Support Payment—
 - (i) regulation 5 (provision of care to a cared for person),
 - (ii) regulation 12 (entitlement to other benefits), and
 - (iii) 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 13 (individuals in education),
- (f) regulation 15 (making payments),
- (g) regulation 18 (when an application is to be treated as made and beginning of entitlement to assistance),
- (h) regulation 22 (time of payment),
- (i) regulation 23 (temporary stop in entitlement),
- (j) regulation 25 (continuing eligibility),
- (k) regulation 26 (form of payment – giving Carer Support Payment by way of deduction) in the heading,
- (l) regulation 26,
- (m) regulation 29 (circumstances in which assistance may be suspended),
- (n) regulation 30 (having regard to financial circumstances),
- (o) regulation 31 (information to be given following suspension),
- (p) regulation 32 (right to review suspension),
- (q) regulation 34 (effect of suspension ending),
- (r) in Part 6 in the heading,
- (s) regulation 35 (consideration of entitlement after specified period),
- (t) regulation 37 (determination following official error – underpayments),
- (u) regulation 38 (determination following error – overpayments),
- (v) regulation 39 (determination to effect a deduction decision),
- (w) regulation 41 (individuals in respect of whom Carer’s Allowance is paid in another part of the United Kingdom immediately before moving to Scotland),
- (x) regulation 42 (individuals in respect of whom Carer Support Payment is paid at the time of moving to another part of the United Kingdom) in the heading,
- (y) regulation 42,

- (z) 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) In regulation 7 (temporary absence from the common travel area) after each occurrence of “cared for person” insert “or an additional cared for person”.
- (9) In regulation 14(1) (earnings limit), for “that award” substitute “the immediately preceding”.
- (10) 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.

(8) For the avoidance of doubt, the hours referred to under regulation 5(2) (provision of care to a cared for person) and paragraph (4) may run concurrently, including in relation to more than one additional cared for person.

(9) The Scottish Ministers are to make a determination without receiving an application that the individual is no longer entitled to Carer Additional Person Payment where an individual who has an ongoing entitlement to Carer Additional Person Payment cares for an additional cared for person whose qualifying disability benefit has been—

- (a) reduced to £0,
- (b) ended in the circumstances set out in regulation 23(4)(b) (temporary stop in entitlement),
- (c) suspended as a result of the circumstances set out in regulation 23(4)(c).

(10) Where paragraph (9)(a) or (b) applies, the determination comes into effect on the first day of the award week following the award week in which the additional cared for person's qualifying disability benefit has been ended or reduced to £0.

(11) Where paragraph (9)(c) applies, the determination comes into effect on the first day of the award week following the day on which the additional cared for person's qualifying disability benefit has been suspended for 4 weeks.”.

(11) In regulation 16 (amount and form of Carer Support Payment)—

- (a) for the heading substitute—

“Amount and form of Carer Support”

- (b) in paragraph (1) in the opening words, omit “Subject to regulation 21 (amount and form of carer support payment where payments are backdated),”.

- (c) after paragraph (1) insert—

“(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].”.

- (d) in paragraph (4)—

- (i) for both occurrences of “Carer Support Payment” substitute “Carer Support”,

- (ii) for sub-paragraph (b) substitute—

- “(b) where the cared for person died on or after 15 March 2026, 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.”.

- (e) after paragraph (4) insert—

“(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 the eligibility requirement set out in regulation 14B(1)(a), 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.”.

- (f) in paragraph (5)—

- (i) in the opening words omit “Payment”,

- (ii) in sub-paragraph (a) after “(abatement in respect of a relevant individual)” insert “in relation to Carer Support Payment”.

(12) In regulation 17(1)(a) (abatement in respect of a relevant benefit), omit “Payment”.

(13) In regulation 19 (applications made within 13 weeks of a qualifying disability benefit decision)

(a) in paragraph (1) for “Carer Support Payment” where it first occurs substitute “Carer Support”.

(b) 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 15 March 2026.

(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) 15 March 2026,

whichever is later.”.

(14) In regulation 23 (temporary stop in entitlement)—

(a) in paragraph (1), in the opening words for “regulation 36 (determination following a change of circumstances etc.)” substitute “these Regulations”.

(b) after paragraph (1)(e) insert—

“(f) subject to regulation 7 (temporary absence from the common travel area), the individual is temporarily absent and no longer treated as present in the common travel area.”,

(c) after paragraph (4)(b)(ii) insert—

“(iii) temporarily absent and no longer treated as present in the common travel area.”.

(15) In regulation 24(9)(1) (multiple applications involving the same cared for person) in paragraph (1) omit “Payment”.

(16) After regulation 24 (multiple applications involving the same cared for person) insert—

“Multiple applications involving the same additional cared for person

24A.—(1) Where the Scottish Ministers are required under these Regulations to make a determination of the entitlement of two or more individuals to Carer Support in respect of the same additional cared for person, the Scottish Ministers must determine the application or notification made first before determining any other application or notification.

(2) Where, but for regulation 14B(7) (Carer Additional Person Payment), two or more individuals would be entitled to Carer Additional Person Payment in respect of the same additional cared for person for the same period, only one of them may be entitled, being either—

(a) one of them as they may jointly agree in accordance with paragraph (3), or

(b) in absence of such agreement, one of them as may be determined by the Scottish Ministers in accordance with paragraph (4).

(3) An agreement under paragraph (2)(a) is to be made by giving the Scottish Ministers a notice in writing signed by the individuals mentioned in paragraph (2) as the case may be, specifying one of them as the individual to be entitled to assistance.

(4) When making a determination under paragraph (2)(b), the Scottish Ministers must have regard to factors including but not limited to—

- (a) the best interests of the additional cared for person,
- (b) whether any of the individuals mentioned in paragraph (3)—
 - (i) are family members of the additional cared for person,
 - (ii) live with or near the additional cared for person,
 - (iii) receive any benefits on behalf of, or as a result of their responsibility for, the additional cared for person.

(5) The Scottish Ministers may, having considered the factors set out in paragraph (4), make a determination without application that one of the individuals mentioned in paragraph (2), who has ongoing entitlement to Carer Additional Person Payment, is no longer entitled to Carer Support in respect of that additional cared for person.

(6) Where paragraph (2) applies at the same time as regulation 24(2), (3) or (4) (multiple applications involving the same cared for person), the Scottish Ministers must make a determination under regulation 24(2), (3) or (4) before making a determination under paragraph (3).”

(17) 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,”.

(18) 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)(a)(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—
 - (i) “(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,”.

(19) In Part 6 (re-consideration of entitlement to Carer Support Payment: determination without application), before regulation 35 (consideration of entitlement after specified period) insert—

“Transfer from Carer Support Payment to Carer Support

34A.—(1) Schedule 1A makes provision about transferring from Carer Support Payment to Carer Support.”.

(20) After schedule 1, insert schedule 1A as set out in schedule 1 in these Regulations.

(21) 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)—
 - (i) for “the amount of Carer Support Payment” substitute “the amount or the component of Carer Support”,
 - (ii) at the end omit “Payment”.
 - (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) after head (ii), insert—
 - “, and
 - (iii) the individual notifies the Scottish Ministers within 13 weeks of a determination of the application that an individual is entitled to Carer Support Payment unless the Scottish Ministers consider that the individual has good reason for not making a request within 13 weeks.”.
 - (iii) in head (iii) omit “Payment”
 - (iv) in head (i) omit “18A, 18B”.
 - (e) after sub-paragraph (f) insert—
 - “(fa)of an alteration of the award of Carer Support Payment which the individual was entitled to immediately before the date of transfer to Carer Support in accordance with regulation 34A (determination without application of entitlement to Carer Support), as a result of a decision made under these Regulations as applied before 15 March 2026, pursuant to—
 - (i) a determination under regulation 24 (multiple applications involving the same cared for person)
 - (ii) a determination under regulation 35 (consideration of entitlement after specified period),
 - (iii) a determination under regulation 36 (determination following change of circumstances etc.),
 - (iv) a determination under regulation 37 (determination following official error – underpayments) or 38 (determination following error – overpayments) ,
 - (v) a determination under section 43 (duty to re-determine) of the 2018 Act,
 - (vi) a determination under section 49 (First-tier Tribunal’s power to determine entitlement) of the 2018 Act, or
 - (vii) a decision pursuant to an appeal to the Upper Tribunal under section 47 of the Tribunals (Scotland) Act 2014(a),”.
- (22) For regulation 40 (temporary stops in care) substitute—

“Temporary stops in care

40.—(1) 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) 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,

(a) 2014 asp 10.

- (b) the conditions in paragraph (2) and (3) are met.
- (2) The conditions referred to in paragraph (1) are that the individual has not failed to satisfy the requirement of regulation 5(2) (provision of care to a cared for person)—
 - (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 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 weeks ending with the first week of the temporary stop in care, where the temporary break in care is for any other reason.
- (3) The condition referred to in paragraph (1) is that the individual has not failed to satisfy the requirement of regulation 5(2) (provision of care to a cared for person) for more than 12 weeks in the last 26 weeks.
- (4) Regulation 14 (earnings limit) does not apply to an individual in respect of an award week mentioned in paragraph (1).
- (5) Paragraph (1) applies to an individual who temporarily fails to satisfy the requirement of regulation 5(2) because they are in legal detention, provided the individual satisfies the requirements of this regulation.
- (6) Paragraphs (1), (2), (3) and (5) apply 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) the references to regulation “5(2)” are to be read as “14B(4)”.
- (23) In regulation 41 (individuals in respect of whom Carer’s Allowance is paid in another part of the United Kingdom immediately before moving to Scotland)—
 - (a) for paragraph (3) substitute—

“(3) Where an application is received by Scottish Ministers within 26 weeks of the date of the move entitlement to Carer Support begins—

 - (a) on the first day of the award week in which the individual’s entitlement to Carer’s Allowance ceased, or
 - (b) 15 March 2026,

whichever is later.”.
 - (b) after paragraph (3) insert—

“(3A) Where paragraph (3) read with paragraph (5) applies, the value of the first payment of Carer Support to be given to the individual is to be increased by the value of Scottish Carer Supplement they would have been entitled to for each award week between—

 - (a) the date of the move, and
 - (b) the date their entitlement to Carer Support begins in terms of paragraph (3),

(3B) Where—

 - (a) paragraph (3) read with paragraph (5) applies, and
 - (b) the individual would have been entitled to Carer Additional Person Payment had their entitlement started at a date between—
 - (i) the date of the move, and
 - (ii) the date their entitlement to Carer Support begins in terms of paragraph (3),

the value of the first payment of Carer Support to be given to the individual is to be increased by the value of Carer Additional Person Payment that they would have been entitled to for each award week between those dates.”,

- (c) in paragraph (6) for “(3)” substitute “(3)(a)”.

(24) In regulation 41A (individuals in respect of whom Carer’s Allowance was paid before 6 November 2025)—

- (a) in paragraph (1)(b) after “Carer Support Payment” insert “or Carer Support”,
- (b) in paragraph (2) omit “Payment”,
- (c) for paragraph (3) substitute—

“(3) Where an application is received by the Scottish Ministers within 26 weeks of the date on which the Scottish Ministers become aware that the individual’s previous entitlement to Carer’s Allowance was not transferred to an entitlement to Carer Support Payment, entitlement to Carer Support begins on—

- (a) the first day of the award week in which the individual’s entitlement to Carer’s Allowance ceased, or

- (b) 15 March 2026,

whichever is later.”,

- (d) [after paragraph (3) insert—

“(3A) Where paragraph (3) read with paragraph (5) applies, the value of the first payment of Carer Support to be given to the individual is to be increased by the value of Scottish Carer Supplement they would have been entitled to for each award week between—

- (a) 15 March 2026, and

- (b) the date their entitlement to Carer Support begins in terms of paragraph (3),

(3B) Where—

- (a) paragraph (3) read with paragraph (5) applies, and

- (b) the individual would have been entitled to Carer Additional Person Payment had their entitlement started at a date between—

- (i) 15 March 2026, and

- (ii) the date their entitlement to Carer Support begins in terms of paragraph (3),

the value of the first payment of Carer Support to be given to the individual is to be increased by the value of Carer Additional Person Payment that they would have been entitled to for each award week between those dates.”.]

- (e) in paragraph (4) omit “Payment” in second place it occurs,
- (f) in paragraph (6) for “(3)” substitute “(3)(a)”.

(25) In regulation 41B (Individuals with current entitlement to Carer Support Payment in respect of whom Carer’s Allowance was paid before 6 November 2025)—

- (a) in the title omit “Payment”,
- (b) in paragraph (1)(b) for “has” substitute “had”,
- (c) in paragraph (1) (c) omit “Payment”,
- (d) for paragraph (2) substitute—

“(2) The Scottish Ministers must make a determination of an individual’s entitlement to Carer Support, without receiving an application, where—

- (a) they become aware that paragraph (1) applies to that individual, and

- (b) that individual was not entitled to Carer Support Payment on 14 March 2026.”.

- (e) for paragraph (3) substitute—

“(3) Subject to paragraph (4), where a determination is made under paragraph (2) that an individual is entitled to Carer Support, their entitlement is to begin on—

- (a) the first day of the award week in which the individual's entitlement to Carer's Allowance ceased, or
 - (b) 15 March 2026,

whichever is later.”,
- (f) [after paragraph (3) insert—
 - “(3A) Where paragraph (3) applies, the value of the payment of Carer Support to be given to the individual is to be increased by the value of Scottish Carer Supplement they would have been entitled to for each award week between—
 - (a) 15 March 2026, and
 - (b) the date their entitlement to Carer Allowance ends.
 - (3B) Where—
 - (a) paragraph (3) applies, and
 - (b) the individual would have been entitled to Carer Additional Person Payment had their entitlement started at a date between—
 - (i) 15 March 2026, and
 - (ii) the date their entitlement to Carer Allowance ends,

the value of the payment of Carer Support to be given to the individual is to be increased by the value of Carer Additional Person Payment that they would have been entitled to for each award week between those dates.”.]
 - (g) in paragraph (5) for “(3)” substitute “(3)(a)”.
- (26) In regulation 42 (individuals in respect of whom Carer Support Payment is paid at the time of moving to another part of the United Kingdom)—
 - (a) in paragraph (1) for “Where” substitute “Subject to paragraph (1A), where”,
 - (b) after paragraph (1) insert—

“(1A) Where the cared for person dies within a period of 13 weeks referred to in paragraph (1), the individual is to be treated as though the individual meets the condition under regulation 6(1)(a) of being ordinarily resident in Scotland for a period of 8 award weeks after the first day of the award week following the award week in which the cared for person died, notwithstanding paragraph (1).”.
 - (c) in paragraph (1A) for “8” substitute “12”.
 - (d) for paragraph (3) substitute—

“(3) Where before the end of the 13-week period, the Scottish Ministers become aware that—

 - (a) the individual is no longer to move to become resident in another part of the United Kingdom, or
 - (b) the cared for person has died,
 the duty in paragraph (2) does not apply.”
 - (e) in paragraph (5), at the beginning insert “Except where paragraph (3) applies,”.

PART 4

Consequential amendments

Consequential amendment

4. The amendments specified in schedule 2 have effect.

PART 5

Revocation and saving provision

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

5.—(1) Despite the revocations and amendments made by these regulations, the 2023 Regulations apply as they did before 15 March 2026—

- (a) in respect of an individual's entitlement to Carer Support Payment for the period before that date, or
- (b) for the purposes of determining on or after 15 March 2026 that the individual was entitled to Carer Support Payment in respect of a period before 15 March 2026, or
- (c) subject to regulation 6 (new applications), any application for Carer Support Payment made before 15 March 2026 which has not been determined before that date.

(2) Despite the amendment by regulation 3(10) of these Regulations, regulation 16(4) (amount and form of Carer Support Payment) of the 2023 Regulations applies as it did prior to 15 March 2026 in respect of an individual who, on 14 March 2026, is in receipt of Carer Support Payment under regulation 16(4).

(3) Despite the amendment by regulation 3(5) of these Regulations, where, prior to 15 March 2026 the Scottish Ministers have made a decision to suspend the individual's Carer Support Payment in accordance with regulation 29 of the 2023 Regulations and that suspension has not ended, regulations 29, 30, 31, 32, 33 and 34 of the 2023 Regulations apply as they did prior to 15 March 2026.

(4) Despite the amendment by regulation 3(25) of these Regulations, regulation 41B (individuals with entitlement to Carer Support Payment in respect of whom Carer's Allowance was paid before 6 November 2025) applies as it did before 15 March 2026 where—

- (a) the Scottish Ministers become aware that paragraph (1) applies to the individual before 15 March 2026,
- (b) that individual had continuing entitlement to Carer Support Payment before that date and their entitlement transferred to Carer Support under regulation 34A (transfer from Carer Support Payment to Carer Support) and schedule 1A of the 2023 Regulations.

(5) Despite the amendment by regulation 3(26) of these Regulations, regulation 42 (individuals in respect of whom Carer Support Payment is paid at the time of moving to another part of the United Kingdom) applies as it did before 15 March in respect of an individual who moved to become resident in other part of the United Kingdom before 15 March 2026.

(6) Except where paragraph (7) applies, the following provisions of the 2023 Regulations are revoked—

- (a) regulation 18A (entitlement beginning before individual satisfied the residence requirements in regulation 46),
- (b) regulation 18B (entitlement beginning before individual satisfied residence requirements in regulation 46 – individuals in education mentioned in regulation 13(2)),
- (c) regulation 20 (entitlement beginning before the commencement of these Regulations),
- (d) regulation 21 (amount and form of Carer Support Payment where payments are backdated),
- (e) Part 1A of schedule 1 (relevant date).

(7) Despite the revocations in paragraph (6)(c) and (d), regulation 20 and 21 continue to have effect on and after 15 March 2026, where on or after 15 March 2026, it is determined under regulation 19 (applications made within 13 weeks of a qualifying disability benefit decision) as applied before that date that that an individual's entitlement to Carer Support Payment would begin on a date before 19 November 2023.

PART 6

Transitional provision

New applications

6.—(1) This paragraph applies where—

- (a) an application for Carer Support Payment was made before 15 March 2026,
- (b) an individual does not satisfy the eligibility requirements set out in Part 3—
 - (i) on the day the application is treated as made in accordance with regulation 18 (when an application is to be treated as made and beginning of entitlement to assistance), and
 - (ii) on any day before 15 March 2026,
- (c) it appears to Scottish Ministers that the individual would likely be entitled to receive Carer Support on a later date on or after 15 March 2026, and
- (d) that later date is no more than 13 weeks after the day on which their application is treated as made in accordance with regulation 18(1) (when an application is to be treated as made and beginning of entitlement to assistance).

(2) Where paragraph (1) applies the Scottish Ministers may determine that the individual is entitled to Carer Support at that later date.

Obligation to provide information on request

7. A request for information under section 54 of the 2018 Act made before 15 March 2026 in respect of a determination of entitlement to Carer Support Payment, is also to be treated on or after that date, as a request for information in relation to a determination of entitlement to Carer Support.

Temporary absence from the common travel area

8.—(1) Where an individual has been awarded Carer Support and they are treated as present in the common travel area under regulation 7 (temporary absence from the common travel area) as amended on 15 March 2026, any period of absence from the common travel area immediately preceding that date is to be counted towards the period of absence referred to in regulation 7.

Beginning of entitlement to assistance

9.—(1) The Scottish Ministers are to make a determination of the individual's entitlement to Carer Support Payment as applied before 15 March 2026 where—

- (a) the individual has notified the Scottish Ministers that they wish their entitlement to assistance to begin on a date prior to the day on which their application is treated as made in accordance with regulation 18(2)(a), (b) or (c), and
- (b) that date chosen by the individual is before 15 March 2026.

(2) Where paragraph (1) applies, the individual's entitlement to assistance begins in accordance with regulation 18(2) and (3) as applied before 15 March 2026 and ends on 14 March 2026.

(3) The Scottish Ministers are to make a determination of the individual's entitlement to Carer Support Payment as applied before 15 March 2026 where—

- (a) an individual makes an application for Carer Support in respect of a cared for person within 13 weeks of a relevant qualifying disability benefit decision under regulation 19 (applications made within 13 weeks of a qualifying disability benefit decision), and
- (b) entitlement to that qualifying disability benefit begins before 15 March.

(4) Where paragraph (3) applies, the individual's entitlement to assistance begins in accordance with regulation 19 as applied before 15 March 2026 and ends on 14 March 2026.

Temporary stop in entitlement

10.—(1) Regulation 23(2) (temporary stops in entitlement) applies, where the Scottish Ministers have made a determination without application under the 2023 Regulations as they applied before 15 March 2026 that an individual is no longer entitled to Carer Support Payment in circumstances set out in paragraph (1)(a) to (e) as applied before 15 March 2026.

(2) Regulation 23(8) applies, where the Scottish Ministers have made a determination under regulation 23(5) as applied before 15 March 2026.

Multiple applications involving the same cared for person

11. Regulation 24 (multiple applications involving the same cared for person) applies where the Scottish Ministers receive two or more applications for Carer Support Payment before 15 March 2026 and Carer Support from different individuals in respect of the same cared for person.

Form of payment – giving Carer Support Payment by way of deduction

12. Carer Support may be given (in whole or in part) by way of deduction, where on 14 March 2026 Carer Support Payment was given by way of deduction under regulation 26 (form of payment – giving Carer Support Payment by way of deduction).

Individuals in respect of whom Carer's Allowance is paid in another part of the United Kingdom immediately before moving to Scotland

13.—(1) Regulation 41 applies where—

- (a) an individual becomes resident in Scotland before 15 March 2026,
- (b) that individual's entitlement to Carer's Allowance ceased before that date, and
- (c) the individual makes an application for Carer Support within 26 weeks of the date of the move.

(2) Where paragraph (1) applies, the Scottish Ministers must make a determination of an individual's entitlement to Carer Support Payment, without receiving an application, for the period—

- (a) starting on the first day of the award week in which the individual's entitlement to Carer's Allowance ceased, and
- (b) ending on 14 March.

(3) This paragraph applies where—

- (a) an individual to whom regulation 41(1) applies as it did prior to 15 March 2026,
- (b) an individual does not satisfy the eligibility requirements set out in Part 3—
 - (i) on the day the application received, and
 - (ii) on any day before 15 March 2026, and
- (c) it appears to Scottish Ministers that the individual would likely be entitled to receive Carer Support on the later date on or after 15 March 2026, and
- (d) that later date is no more than 13 weeks after the day on which their application is treated as made in accordance with regulation 18(1) (when an application is to be treated as made and beginning of entitlement to assistance).

(4) Where paragraph (3) applies, the Scottish Ministers may determine that the individual is entitled to Carer Support at that later date.

(5) For the purposes of paragraph (1), "date of the move" is as defined in regulation 41(7) of the 2023 Regulations.

(6) For the purposes of paragraph (2), “award week” is as defined in regulation 41(6) of the 2023 Regulations.

Individuals in respect of whom Carer’s Allowance was paid before 6 November 2025

14.—(1) Regulation 41A applies where—

- (a) the Scottish Ministers become aware before 15 March 2026 that the individual’s previous entitlement to Carer’s Allowance was not transferred to an entitlement to Carer Support Payment, and
- (b) the individual applies for Carer Support.

(2) This paragraph applies where—

- (a) an application for Carer Support is received by the Scottish Ministers within the period described in regulation 41A(3) read with paragraph (5), and
- (b) the individual entitlement to Carer’s Allowance ceased before 15 March.

(3) Where paragraph (2) applies, the Scottish Ministers make a determination a determination of an individual’s entitlement to Carer Support Payment as applied before 15 March 2026, without receiving an application, for the period—

- (a) starting on the first day of the award week in which the individual’s entitlement to Carer’s Allowance ceased, and
- (b) ending on 14 March.

(4) Where the individual—

- (a) does not satisfy the eligibility requirements set out in Part 3 of the 2023 Regulations as applied before 15 March 2026 on the date referred to in paragraph (3), and
- (b) will satisfy those requirements on a date within 13 weeks of the date referred to in paragraph (3),

their entitlement will begin on the first day of the award week in which they will satisfy those requirements.

(5) For the purposes of paragraph (3)(a), “award week” is as defined in regulation 41A(6) of the 2023 Regulations.

Individuals with entitlement to Carer Support in respect of whom Carer’s Allowance was paid before 6 November 2025

15.—(1) The Scottish Ministers must make a determination of an individual’s entitlement to Carer Support Payment as applied before 15 March 2026, without receiving an application, where—

- (a) they become aware that paragraph 41B(1) applies to that individual, and
- (b) the individual entitlement to Carer’s Allowance ceased before 15 March.

(2) Subject to paragraph (3), where a determination is made under paragraph (1) that an individual is entitled to Carer Support Payment as applied before 15 March 2026, their entitlement is to begin on the first day of the award week in which the individual’s entitlement to Carer’s Allowance ceased.

(3) Where the individual—

- (a) does not satisfy the eligibility requirements set out in Part 3 of the 2023 Regulations as applied before 15 March 2026 on the date referred to in paragraph (3), and
- (b) will satisfy those requirements on a date within 13 weeks of the date referred to in paragraph (3),

their entitlement will begin on the first day of the award week in which they will satisfy those requirements.

(4) For the purposes of paragraph (2) and (3), the “award week” is as defined in regulation 41B(5) of the 2023 Regulations.

Section 81 of the 2018 Act

16.—(1) Despite paragraph 2 of schedule 2, section 81 of the 2018 Act continues to have effect on and after 15 March 2026 as it had effect before that date insofar as it applies in relation to an individual who is entitled to Carer Support Payment under regulation 16(4) (amount and form of Carer Support Payment) or 42 (individuals in respect of whom Carer Support Payment is paid at the time of moving to another part of the United Kingdom) on 14 March 2026.

SCHEDULE 1

Regulation 3(19)

“SCHEDULE 1A

Regulation 34A

Determination without application of entitlement to Carer Support

Determination without application of entitlement to Carer Support

1.—(1) Subject to paragraph 2(1), the Scottish Ministers must make a determination of an individual’s entitlement to Carer Support, without receiving application where—

- (a) the individual has an ongoing entitlement to Carer Support Payment on 14 March 2026, or
- (b) on or after 15 March 2026, it is determined that the individual was entitled to Carer Support Payment in respect of 14 March 2026.

(2) Entitlement to Carer Support under a determination under sub-paragraph (1) begins on 15 March 2026.

(3) Subject to sub-paragraph (4), the determination under sub-paragraph (1) is to be made on the basis of—

- (a) such information available to the Scottish Ministers in respect of the latest determination of the individual’s entitlement to Carer Support Payment relating to 14 March 2026, and
- (b) any other information available to the Scottish Ministers that appears to them to be relevant.

(4) A determination under sub-paragraph (1) does not need to be made on the basis of the information mentioned in sub-paragraph (3)(b) where—

- (a) the individual before a determination is made under sub-paragraph (1) reported a change of circumstances to the Scottish Ministers, which had not been taken into account in the latest determination of the individual’s entitlement to Carer Support Payment, or
- (b) the Scottish Ministers before a determination is made under sub-paragraph (1) received information in relation to the individual’s entitlement to Carer Support Payment which had not been taken into account in the latest determination of their entitlement to Carer Support Payment, and
- (c) following a determination under sub-paragraph (1) a further determination is to be made under paragraph 4.

(5) A determination under sub-paragraph (1)—

- (a) may be made on the assumption that whatever can be discerned about the individual’s circumstances from the information mentioned in sub-paragraph (3) remains accurate on the date on which the determination is made.

- (b) may be made on the assumption that the individual does not satisfy the requirement of regulation 14B(1)(b).

Exceptions to paragraph 1(1)

2.—(1) The duty on the Scottish Ministers to make a determination without application mentioned in paragraph 1(1) does not apply where—

- (a) an individual cares for a cared for person who died on or before 14 March 2026 and they were entitled to Carer Support Payment under regulation 16(4) (amount and form of Carer Support Payment) on or before that date,
- (b) an individual is treated as being ordinarily resident in Scotland under regulation 42(1) (individuals in respect of who Carer Support Payment is paid at the time of moving to another part of the United Kingdom) on or before 14 March 2026, or
- (c) subject to paragraph 3, the Scottish Ministers have made a decision under regulation 29 of these Regulations on or before 14 March 2026 to suspend an individual's Carer Support Payment and the period of that suspension has not ended.

Suspensions

3.—(1) The Scottish Ministers must make a determination of an individual's entitlement to Carer Support, without receiving application, where—

- (a) they make a decision to end a suspension under regulation 33 (ending suspension) as applied before 15 March 2026, and
- (b) an individual has an ongoing entitlement to Carer Support Payment on 14 March 2026.

Review determination

4.—(1) The Scottish Ministers must make a determination of an individual's entitlement to Carer Support, without receiving an application, where—

- (a) the individual before a determination under paragraph 1(1) is made reported a change of circumstances to the Scottish Ministers, which had not been taken into account for the individual's entitlement to Carer Support,
- (b) the Scottish Ministers—
 - (i) before a determination is made under sub-paragraph (1) received information in relation to the individual's entitlement to Carer Support Payment which had not been taken into account in the latest determination of their entitlement to Carer Support Payment, or
 - (ii) become aware that on 15 March 2026, the individual would have met the condition in regulation 14B(1) (Carer Additional Person Payment) on that date,
- (c) the Scottish Ministers have made a determination under paragraph 1(1), and
- (d) the individual has not requested a re-determination under section 41 of the 2018 Act, or an appeal under section 46 of the 2018 Act, in relation to the determination under paragraph 1(1).

(2) The determination under sub-paragraph (1) is to be made as soon as reasonably practicable after the determination under paragraph 1(1).

(3) The information under paragraph 1(4) is to be taken into account by the Scottish Ministers in making a determination under sub-paragraph (1).

(4) Where an individual's entitlement to Carer Support is determined in the review determination to be at a higher rate than the determination under paragraph 1(1), entitlement will begin on the first day of the award week in which —

- (a) the individual first satisfies the requirements for an increased amount of Carer Support —
 - (i) where the individual reports the change within 13 weeks of the change occurring,
 - (ii) provides information that they would have met the condition in regulation 14B(1) on 15 March 2026 within 13 weeks of the determination under 1(1), or
 - (iii) where the individual reports the change or provides the information they would have met the condition in regulation 14B(1) on 15 March 2026 more than 13 weeks after the change occurring, but only if the Scottish Ministers consider that the individual has good reason for not reporting the change within 13 weeks, or
 - (b) in any other case, the individual reports the change or provides information.
- (5) If the date under sub-paragraph 4 is before these Regulations come into force, the date that these Regulations come into force.
- (6) Where an individual's entitlement to Carer Support is determined in the review determination to be at a lower rate than or at the same rate as awarded by the determination under paragraph 1, entitlement under the review determination will take effect on the first day of the award week following the award week in which—
- (a) the individual should have notified the Scottish Ministers of the change, where the individual was required to notify a change under section 56 of the 2018 Act, if the individual—
 - (i) knowingly fails to notify a change, or
 - (ii) fails to notify the change as soon as reasonably practicable after it occurred, or
 - (b) the Scottish Ministers make a review determination.
- (7) Where the Scottish Ministers consider that in all the circumstances it would be unjust not to do so, they may, when making their determination, set a later date for the purposes of sub-paragraph (6).
- (8) Where an individual has previously received Carer Support for a period and a determination without application is subsequently been made under sub-paragraph (1) that the individual is entitled to Carer Support at a higher rate for that period by virtue of this paragraph, the individual will be entitled to the difference between the value of entitlement to Carer Support under the subsequent determination and the value of Carer Support to which that individual was previously entitled for that period.

SCHEDULE 2

Regulation 4

Consequential amendment

Amendment of the Social Security Contributions and Benefits Act 1992

1.—(1) The Social Security Contributions and Benefits Act 1992 is amended in accordance with paragraph (2).

(2) In section 70(7B) (Carer's allowance)(a) for “carer's assistance” substitute “the Carer Support Payment component of Carer Support”.

(a) Section 70(7B) was inserted by the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023 (Consequential Modifications) Order 2023 (S.I. 2023/1214).

Amendment of the Social Security (Scotland) Act 2018

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

(2) In subsection (2), for paragraph (a) and the word “and” immediately following it, substitute—

“(a) in receipt of a carer’s allowance under section 70 of the Social Security and Benefits Act 1992 by virtue of article 4 (transitional provision) of the Regulatory Reform (Carer’s Allowance) Order 2002(a), and”.

(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.

Amendment of the Social Security (Invalid Care Allowance) Regulations 1976

3.—(1) The Social Security (Invalid Care Allowance) Regulations 1976(b) are amended in accordance with paragraph (2).

(2) In regulation 7(4) (manner of electing the person entitled to a carer’s allowance in respect of a severely disabled person where more than one person would be entitled) for “a payment made” substitute “the Carer Support Payment component of Carer Support”.

Amendment of the National Assistance (Assessment of Resources) Regulations 1992

4.—(1) The National Assistance (Assessment of Resources) Regulations 1992(c) are amended in accordance with paragraph (2).

(2) In regulation 2(1) (interpretation) in the definition of “carer support payment” omit “payment”.

(3) In paragraph 2(3) of schedule 2 (sums to be disregarded in the calculation of earnings) omit “Payment”.

Amendment of the Advice and Assistance (Scotland) Regulations 1996

5.—(1) The Advice and Assistance (Scotland) Regulations 1996(d) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation) in the definition of “carer support payment” omit “payment”.

(3) In regulation 16(2)(cd) (payment of fees and outlays from property recovered or preserved) omit “payment”.

(4) In paragraph (5)(d)(aze) of schedule 2 (assessment of disposable capital and disposable income) omit “payment”.

(a) S.I. 2002/1457.

(b) S.I. 1976/409, relevantly amended by S.S.I. 2023/258.

(c) S.I. 1992/2977, relevantly amended by S.S.I. 2023/258.

(d) S.I. 1996/2477, relevantly amended by S.S.I. 2023/258.

Amendment of the Civil Legal Aid (Scotland) Regulations 2002

6.—(1) The Civil Legal Aid (Scotland) Regulations 2002(a) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(1) (interpretation) in the definition of “carer support payment” omit “payment”.

(3) In regulation 33(a)(xxv) (payments out of property recovered or preserved: exceptions) for “a carer support payment” substitute “Carer Support”.

(4) In paragraph 7(o) of schedule 2 (rules for computing disposable income) omit “payment”.

(5) In paragraph (8)(k) of schedule 3 (rules for computing disposable capital) omit “payment”.

Amendment of the Individual Learning Account (Scotland) Regulations 2011

7.—(1) The Individual Learning Account (Scotland) Regulations 2011(b) are amended in accordance with paragraph (2).

(2) In regulation 3(6)(b)(iiia) (qualifying persons (training account holders)) after “payment” insert “component of Carer Support”.

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

8.—(1) The Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012(c) are amended in accordance with paragraphs (2) and (5).

(2) In regulation (2)(1) (interpretation) in the definition of “carer support payment” for “carer’s assistance” substitute “the Carer Support Payment component of Carer Support”.

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

(a) after head (xxi) insert—

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

(xxib) the Scottish Carer Supplement component of Carer Support given under section 28 and schedule 2 of the Social Security (Scotland) Act 2018”.

(4) In schedule 1 (applicable amount)—

(a) in paragraph 6(1)(ab) for “16” substitute “16(2)”.

(b) in paragraph 10—

(i) in sub-paragraph (2)(a) omit “carer support payment”,

(ii) after sub-paragraph (2) insert—

“(2A) Where a carer premium has been awarded but the person in respect of whose care the carer support payment has been awarded dies, the condition for the award of the premium is to be treated as satisfied for a period of—

(a) 8 weeks from the relevant date specified in sub-paragraph (3) where that person died before 15 March 2026,

(b) 12 weeks from the relevant date specified in sub-paragraph (3) where that person died on or after 15 March 2026.”.

(iii) in sub-paragraph (3) in the opening words, after “(2)” insert “and (2A)”

(iv) in sub-paragraph (3)(a) after “(2)(a)” insert “or (2A)”.

(5) In paragraph 21(2) of schedule 4 (capital disregards) after head (r) insert—

(a) S.S.I. 2002/494, relevantly amended by S.S.I. 2023/313 and S.S.I. 2024/178.

(b) S.S.I. 2011/107 as relevantly amended by S.S.I. 2023/258.

(c) S.S.I. 2012/319, relevantly amended by S.S.I. 2018/1211, S.S.I. 2018/295, S.S.I. 2020/413, S.S.I. 2023/258.

- “(s) the Carer Additional Person Payment component of Carer Support given under section 28 and schedule 2 of the Social Security (Scotland) Act 2018,
- (t) the Scottish Carer Supplement component of Carer Support given under section 28 and schedule 2 of the Social Security (Scotland) Act 2018,”.

Amendment of the Children’s Legal Assistance (Scotland) Regulations 2013

9.—(1) The Children’s Legal Assistance (Scotland) Regulations 2013(a) are amended in accordance with paragraph (2) to (4).

(2) In regulation (2)(1) (interpretation) in the definition of “carer support payment” omit “payment”.

(3) In paragraph 5(q) of schedule 1 (assessment of disposable income for the purposes of children’s legal aid) for “any carer support payment” substitute “carer support”.

(4) In paragraph 8(k) of schedule 2 (assessment of disposable capital for the purposes of children’s legal aid) for “any carer support payment” substitute “carer support”.

Amendment to the Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019

10.—(1) The Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019(b) are amended in accordance with paragraph (2).

(2) In regulation 6(3)(a) after “Carer Support Payment” insert “component of Carer Support”.

Amendment of the Council Tax Reduction (Scotland) Regulations 2021

11.—(1) The Council Tax Reduction (Scotland) Regulations 2021(c) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 4(1) in the definition of “carer support payment” for “carer’s assistance” substitute “the Carer Support Payment component of Carer Support”.

(3) In schedule 1 (applicable amount)—

(a) in paragraph 5(1) for “(8)” substitute “(10)”,

(b) in paragraph 5(4)(c) after “16” insert “(2)”,

(c) in paragraph 5(5) at the end insert “or, if longer, the period for which the person continues to be entitled to carer support payment.”,

(d) in paragraph 5(6)(a) omit “carer support payment”,

(e) after paragraph 5(6) insert—

“(6A) Where a carer premium is awarded to a person other than a person described in sub-paragraph (5), but the person in respect of whose care the carer support payment has been awarded dies, the condition for the award of the premium is to be treated as satisfied for a period of—

(a) 8 weeks from the relevant date specified in sub-paragraph (7) where that person died on or before 14 March 2026

(b) 12 weeks from the relevant date specified in sub-paragraph (7) where that person died on or after 15 March 2026”.

(f) in paragraph 5(7)—

(i) in the opening words after “(6)” insert “and (6A)”,

(ii) in sub-paragraph (a) after “(6)(a)” insert “or (6A)”.

(a) S.S.I. 2013/200, relevantly amended by S.S.I. 2023/313 and S.S.I. 2024/178.

(b) S.S.I. 2019/324, relevantly amended by S.S.I. 2023/258.

(c) S.S.I. 2021/249, relevantly amended by S.S.I. 2023/258.

- (g) in paragraph 5(8)(a) before “the person” insert “except where sub-paragraph (9) and (10) apply,”,
- (h) after paragraph 5(8) insert—
 - “(9) This sub-paragraph applies where, the person in respect of whose care the carer support payment has been awarded dies on or after 15 March 2026.
 - (10) Where a person who has had regular and substantial caring responsibilities for a severely disabled person ceases to have such caring responsibilities and makes an application for council tax reduction, the condition for the award of the carer premium is to be treated as satisfied for a period of 12 weeks from the date on which the person in respect of whom the person had such caring responsibilities dies, where that brought the caring responsibilities to an end.”.
- (i) in paragraph 6(2)(b) for “5(5) and (6)” substitute “5(5), (6) and (6A)”,
- (4) In paragraph 6(1)(a) of schedule 3 (sums to be disregarded in the calculation of earnings) for “5(5) or (6)” substitute “5(5), (6) or (6A)(a)”,
- (5) In paragraph 24 of schedule 4 (capital to be disregarded) after sub-paragraph (c) insert—
 - “(d) the Carer Additional Person Payment component of Carer Support given by virtue of regulations under section 28,
 - (e) the Scottish Carer Supplement component of Carer Support given by virtue of regulations under section 28.”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023 (“the principal Regulations”) and make consequential, revocation, transitional and saving provision in connection with the introduction of Carer Support consisting of three components Carer Support Payment, Carer Additional Person Payment and Scottish Carer Supplement. These Regulations also make miscellaneous amendment to the Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019 and the principal Regulations.

Part 2 makes amendments to the Carer’s Assistance (Young Carer Grants) (Scotland) Regulations 2019 to provide for the extension of eligibility for Young Carer Grant to 19-year-olds.

Part 3 provides an overview of arrangements for payment of Carer Support. It makes provision for the Carer Additional Person Payment and the Scottish Carer Supplement. New regulation 14A and 14B inserted by regulation 3(9) outline the eligibility rules for these two new components of Carer Support. It also provides that a new Carer Additional Person Payment, Scottish Carer Supplement are to be paid alongside Carer Support Payment as part of an award of Carer Support and as such these Regulations make provision in connection with the amendment of the pre-existing statutory framework for carer’s assistance in Scotland and clarify how the rules in the principal Regulations will apply to Carer Support and each component.

These Regulations also make miscellaneous amendments to the principal Regulations:

- extend the period a carer continues to get support after the death of a cared for person from 8 to 12 weeks,
- remove the requirements for carers to have been providing care for at least 14 or 22 of the past 26 weeks to become entitled to continue to be paid during a temporary break in care,

- provide for carers who are temporarily absent from the common travel area, to be treated as present in the common travel area, where that absence is for the specific purpose of caring for the additional cared for person,
- allow carers whose entitlement ended as a result of them being absent and longer treated as present in the common travel area to receive a determination without an application of their entitlement to carer's assistance if they satisfy the eligibility criteria under Part 3 of the Regulations within 26 weeks of the decision to end their entitlement,
- provide that an individual is not entitled to Carer Support Payment in any award week in which their earnings in respect of the immediately preceding week exceeded the threshold, provide where a person receiving Carer's Allowance moves to Scotland from another part of the United Kingdom, and applies for Carer Support within a specified time, their entitlement can be backdated to when their Carer's Allowance entitlement ends and they can receive the payment equivalent to the value of Carer Additional Person Payment and Scottish Carer Supplement,
- make other minor amendments to the principal Regulations.

Regulation 34A and schedule 1A make provision to transfer individuals who meet the eligibility criteria for Carer Support Payment to become entitled to Carer Support by making a determination without application. Schedule 1A includes provisions to make a further determination for an individual in certain circumstances, address changes of circumstances and when an increase or decrease of entitlement takes effect.

Part 4 and the schedule 2 make provision for consequential amendments to primary and secondary legislation in connection with the introduction of Carer Support and the extension of the period Carer Support continues to be paid after the death of a cared for person. The amendments ensure that individuals who are entitled to Carer Support consisting of three components have the same entitlements and disregards under that legislation as individuals who are entitled to Carer Support Payment before 15 March 2026. Paragraph 2 of schedule 2 amends section 81 of the 2018 Act to remove entitlement to the Carer's Allowance Supplement for those in receipt of Carer Support Payment as a consequence of the introduction of Scottish Carer Supplement which replaces the Carer's Allowance Supplement currently paid under section 81 of the Social Security (Scotland) Act 2018 for those in receipt of Carer Support Payment. Entitlement to Carer's Allowance Supplement will continue for individuals who are currently entitled to Carer's Allowance due to transitional protection and those in receipt of Carer's Allowance outside the United Kingdom.

Part 5 makes revocation and saving provision.

Part 6 makes transitional provision.