

---

DRAFT SCOTTISH STATUTORY INSTRUMENTS

---

**2023 No.**

**The Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023**

**PART 4**

**Making of applications and payments and duration of eligibility**

**When an increase in amount of entitlement takes effect**

**28.**—(1) Where, as a result of a determination without application, the amount of Carer Support Payment payable in respect of an individual is increased, the change takes effect—

- (a) in the case of an increase pursuant to a determination made under regulation 36(a) or (b) (determination following change of circumstances etc.), on the first day of the award week in which—
  - (i) the individual first satisfies the requirements for an increased amount of Carer Support Payment—
    - (aa) where the individual reports the change within 13 weeks of the change occurring, or
    - (bb) where the individual reports the change 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
  - (ii) in any other case, the individual reports the change,
  - (iii) where as a result of the Scottish Ministers becoming aware that a determination of an individual's entitlement was made in ignorance of a material fact, the Scottish Ministers make the determination.
- (b) in the case of an earlier determination which was based on error within the meaning of—
  - (i) regulation 37 (determination following official error – underpayments), on the first day of the award week in which the earlier determination took effect, or
  - (ii) regulation 38 (determination following error – overpayments), on the first day of the award week following the award week in which the earlier determination took effect,
- (c) in any other case, on the first day of the award week following the award week in which the Scottish Ministers make the determination.

(2) 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 an earlier date for the purposes of paragraph (1).