

# **CARER'S ALLOWANCE SUPPLEMENT (SCOTLAND) ACT 2021**

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## **EXPLANATORY NOTES**

### **INTRODUCTION**

1. These Explanatory Notes have been prepared by the Scottish Government in order to assist the reader of the Carer's Allowance Supplement (Scotland) Act 2021. They do not form part of the Act and have not been endorsed by the Parliament.
2. These Notes should be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section, or a part of a section, does not seem to require any explanation or comment, none is given.

### **THE ACT**

3. The Act increases the amount of carer's allowance supplement payable in respect of the period of 1 October 2021 to 31 March 2022 so as to further support carers in response to the effects of coronavirus. The Act also confers a regulation-making power on the Scottish Ministers to increase the amount of a carer's allowance supplement in respect of future periods.

### **BACKGROUND**

4. The Scotland Act 2016 devolved new social security powers to Scotland, giving the Scottish Parliament the power to create additional benefits, replace existing benefits with new benefits or other payments and to determine the structure and value of such provision. The legal framework under which nine types of social security assistance<sup>1</sup>, as well as carer's allowance supplement, would be given to people by the Scottish Government was then outlined in the Social Security (Scotland) Act 2018 ("the 2018 Act").
5. Section 81 of the 2018 Act places a statutory duty on the Scottish Ministers to pay a supplement on a twice-yearly basis to persons who, on the qualifying date for the supplement, are in receipt of Carer's Allowance and resident in Scotland (or otherwise meet the eligibility conditions referred to in section 81(2A) of the 2018 Act). The section provides for the Scottish Ministers to determine the "qualifying date"<sup>2</sup> in each half of the financial year and for the calculation of the amount of the supplement.
6. Paragraph 6 of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 previously modified section 81 of the 2018 Act so as to increase by £230.10 the amount of carer's allowance supplement in respect of the period of 1 April 2020 to 30 September 2020. This, in effect, doubled the amount of the supplement in respect of that period. Section 1 of the Carer's Allowance Supplement (Scotland) Act 2021 makes similar provision

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<sup>1</sup> The nine types of social security assistance are carer's assistance, cold-spell heating assistance, winter heating assistance, disability assistance, early years assistance, employment-injury assistance, funeral expense assistance, housing assistance and short-term assistance.

<sup>2</sup> A date determined by the Scottish Ministers which falls within the 6 month period to which the payment relates.

*These notes relate to the Carer's Allowance Supplement (Scotland) Act 2021 (asp 20) which received Royal Assent on 15 November 2021*

by increasing by £231.40 the amount of the carer's allowance supplement in respect of the period of 1 October 2021 to 31 March 2022. This, in effect, doubles the amount of supplement in respect of this further period.

## DETAILED PROVISIONS

### ***Increased amount of carer's allowance supplement in respect of the period of 1 October 2021 to 31 March 2022***

7. **Section 1** inserts a new subsection (4B) into section 81 of the 2018 Act. The new subsection provides that the amount of a carer's allowance supplement in respect of the period of 1 October 2021 to 31 March 2022 is £231.40 greater than that calculated according to the formula in section 81(4) of that Act.

### ***Power to increase amount of carer's allowance supplement***

8. **Section 2** inserts a new subsection (4C) into section 81 of the 2018 Act. The new subsection confers a regulation-making power on the Scottish Ministers to modify section 81 of that Act so as to provide that the amount of a carer's allowance supplement in respect of a specified future period is an amount greater than the amount calculated according to the formula in subsection (4) of that section. This regulation-making power is subject to the affirmative procedure.

### ***Commencement***

9. **Section 3(1)** provides that sections 1, 3 and 4 come into force on the day after Royal Assent. Section 3(2) provides that section 2 comes into force on such day as the Scottish Ministers may by regulations appoint. Section 3(3) provides that regulations under section 3(2) may include transitional, transitory or saving provision in connection with bringing section 2 into force.

## PARLIAMENTARY HISTORY

10. The following is a list of the proceedings in the Scottish Parliament on the Bill for the Act and significant documents connected to the Bill published by the Parliament during the Bill's parliamentary passage.

<i>Proceedings and reports</i>	<i>Reference</i>
<b>Introduction</b>	
Bill as introduced, 22 June 2021	<a href="#">SP Bill 2 - Session 6, 2021</a>
SPICe Briefing	<a href="#">Sb 21-43</a>
<b>Stage 1</b>	
<b>(a) Social Justice and Social Security Committee</b>	
2 <sup>nd</sup> Meeting 2021, 2 September 2021	<a href="#">Official Report, cols 4 - 38</a>
1 <sup>st</sup> Report, 2021 (Session 6): Carer's Allowance Supplement (Scotland) Bill Stage 1 Report	<a href="#">SP Paper 10</a>
<b>(b) Delegated Powers and Law Reform Committee</b>	

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<i>Proceedings and reports</i>	<i>Reference</i>
3 <sup>rd</sup> Meeting 2021, 7 September 2021	In private
3 <sup>rd</sup> Report, 2021 (Session 6): Carer's Allowance Supplement (Scotland) Bill: Stage 1	<a href="#">SP Paper 9</a>
<b>(c) Consideration by the Parliament</b>	
Stage 1 Debate, 23 September 2021	<a href="#">Official Report, cols 67 - 100</a>
<b>Stage 2</b>	
<b>Social Justice and Social Security Committee</b>	
6 <sup>th</sup> Meeting 2021, 30 September 2021	<a href="#">Official Report, cols 14 - 35</a>
<b>Stage 3</b>	
<b>Consideration by the Parliament</b>	
Stage 3 Proceedings and Debate, 7 October 2021	<a href="#">Official Report, cols 67 - 113</a>
<b>Royal Assent</b>	
15 November 2021	<a href="#">Carer's Allowance Supplement (Scotland) Act 2021 (asp 20)</a>