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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2020 No.**

**EXITING THE EUROPEAN UNION  
SOCIAL SECURITY**

**The Carer's Allowance Supplement and Young Carer  
Grants (Residence Requirements and Procedural  
Provisions) (EU Exit) (Scotland) Regulations 2020**

*Made* - - - - 2020

*Coming into force* 2020

**THE CARER'S ALLOWANCE SUPPLEMENT AND YOUNG CARER  
GRANTS (RESIDENCE REQUIREMENTS AND PROCEDURAL  
PROVISIONS) (EU EXIT) (SCOTLAND) REGULATIONS 2020**

PART 1

Introductory

1. Citation and commencement
2. Interpretation

PART 2

Carer's allowance supplement for EEA residents

3. Amendment of the Social Security (Scotland) Act 2018
4. Meaning of determination of entitlement to a carer's allowance supplement
5. Determination of EEA or Switzerland resident's entitlement to a carer's allowance supplement
6. Timing of applications by EEA and Switzerland residents for a determination of entitlement to a carer's allowance supplement
7. Determination of EEA or Switzerland resident's entitlement to a carer's allowance supplement without application
8. Determination following official error - underpayments
9. Determination following error – overpayments
10. Procedure

## PART 3

### Young carer grants

11. Amendment of eligibility conditions  
Signature

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#### SCHEDULE 1 — Amendment of the Social Security (Scotland) Act 2018

1. Section 81 (carer's allowance supplement) of the Social Security (Scotland)...
2. After subsection (1) insert— (2A) A qualifying individual is an...
3. In subsection (2), for “A qualifying individual is” substitute “This...”
4. After subsection (2) insert— (2A) This subsection applies to an...
5. After subsection (8) insert— (9) An individual met the eligibility...

#### SCHEDULE 2 — Procedural Matters: Carer's Allowance Supplement

##### PART 1 — Application and determination of applications

1. Form of application
2. Withdrawal of application
3. Notice of determination

##### PART 2 — Re-determination of entitlement

4. Right to request re-determination and periods allowed
5. Late request for re-determination
6. Duty to re-determine and period allowed
7. Notice of re-determination
8. Notice where re-determination not made timeously

##### PART 3 — Appeals

9. Right to appeal to First-tier Tribunal against determination
10. Initiating an appeal
11. Deadline for appealing
12. First-tier Tribunal's power to determine entitlement
13. Appeal to First-tier Tribunal against process decisions
14. Presumption for purposes of paragraphs 3, 4, 5, 7, 8 and 10
15. Amendment of the Social Security Appeals (Expenses and Allowances) (Scotland) Regulations 2020

##### PART 4 — Further provision about determining entitlement

16. Obtaining information to make a determination
17. Duty to inform about possible eligibility
18. Appointment of a person to act on behalf of an individual

##### PART 5 — Coronavirus – relaxation of deadlines

19. Re-determination and appeal deadlines

Explanatory Note