
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 application is to be treated as made and beginning of entitlement to assistance

18.—(1) An application for Carer Support Payment is to be treated as made on the day it is received by the Scottish Ministers.

(2) Where, on the basis of an application, a determination is made that an individual is entitled to Carer Support Payment, entitlement to assistance is to begin—

- (a) on the first day of the award week in which the application is treated as made in accordance with paragraph (1),
- (b) where 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, on the first day of the award week in which that chosen date falls, provided that—
 - (i) the date chosen by the individual is no more than 13 weeks prior to the day on which their application is treated as made, and
 - (ii) the individual satisfied the eligibility requirements set out in Part 3 of these Regulations on that chosen date, or
- (c) where regulation 19 applies (applications made within 13 weeks of a qualifying disability benefit), a date to be chosen by the Scottish Ministers in accordance with that regulation.

(3) Where the individual does not satisfy the eligibility requirements set out in Part 3 of these Regulations on the chosen date mentioned in paragraph (2)(b), the Scottish Ministers may choose that entitlement to assistance begins on a later date, provided the individual satisfied the eligibility requirements on that later date.

(4) For the purposes of section 38(3) of the 2018 Act, the period covered by an application for Carer Support Payment—

- (a) under paragraph (2)(a)—
 - (i) begins on the day on which the application is treated as having been made, and
 - (ii) ends on the day on which the determination of entitlement is made,
- (b) under paragraph (2)(b) or (c)—
 - (i) begins on the date chosen or the later date in accordance with paragraph (3),
 - (ii) ends on the day on which the determination of entitlement is made.