
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 a decrease in amount or cessation of entitlement takes effect

27.—(1) Where, as a result of a determination without application, the amount of Carer Support Payment payable in respect of an individual is decreased or their entitlement to Carer Support Payment ceases, the change takes effect—

- (a) in the case of a determination without application under regulation 35 (consideration of entitlement after specified period) or 36(a) (determination following change of circumstances etc.), on the first day of the award week following the award week in which—
 - (i) 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—
 - (aa) knowingly fails to notify a change, or
 - (bb) fails to notify the change as soon as reasonably practicable after it occurred, or
 - (ii) in any other case, 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 a later date for the purposes of paragraph (1).