
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2023 No.

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

PART 5

Suspensions

Circumstances in which assistance may be suspended

29.—(1) The Scottish Ministers may decide that an individual who has an ongoing entitlement to Carer Support Payment in respect of a period by virtue of regulation 25 (continuing eligibility) is not to become entitled to be given some or all of that assistance at the time at which the individual otherwise would in accordance with that regulation, as read with regulation 22 (time of payment) (referred to in these Regulations as a decision to suspend the individual's Carer Support Payment).

(2) Where such a decision is made in respect of an individual, payments of Carer Support Payment to that individual are to be suspended until such a time as the Scottish Ministers decide that the individual is once again to become entitled to be given Carer Support Payment.

(3) The Scottish Ministers may decide to suspend an individual's Carer Support Payment only in the circumstances where—

- (a) section 54(1A) of the 2018 Act⁽¹⁾ applies, or
- (b) the Scottish Ministers have made arrangements (whether under section 85B of the 2018 Act⁽²⁾ or otherwise) for a person to receive Carer Support Payment on the individual's behalf, and the Scottish Ministers consider that it is necessary to suspend the Carer Support Payment—
 - (i) in order to protect the individual from the risk of financial abuse, or
 - (ii) because the person with whom the Scottish Ministers have made arrangements is unable to continue to receive the Carer Support Payment.
- (c) In this regulation “financial abuse” includes—
 - (i) having money or other property stolen,
 - (ii) being defrauded,
 - (iii) being put under pressure in relation to money or other property,
 - (iv) having money or other property misused.

⁽¹⁾ 2018 asp 9, amended by section 12(3) of the Social Security Administration and Tribunal Membership (Scotland) Act 2020 (asp 18) (“the 2020 Act”).

⁽²⁾ Section 85B was inserted by section 2(4) of the 2020 Act.