
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

Amount and form of Carer Support Payment

16.—(1) Subject to regulation 21 (amount and form of carer support payment where payments are backdated), the weekly rate of payment of Carer Support Payment is £76.75.

(2) For any award week where an individual is entitled to one or more overlapping benefit, the amount of Carer Support Payment that is to be given to the individual is to be reduced—

- (a) by the amount of the overlapping benefit paid, or
- (b) where the amount of the overlapping benefit is equal to or greater than the amount of Carer Support Payment, the value of Carer Support Payment that is to be given to the individual is £0.

(3) In this regulation “overlapping benefit” means—

- (a) State Pension or Retirement Pension,
- (b) Incapacity Benefit,
- (c) Severe Disablement Allowance,
- (d) Unemployability Supplement that is paid with Industrial Injuries Disablement benefit or War Pension,
- (e) Widow's Allowance or Widow's Benefit or Widowed Parent's Allowance or Widowed Mother's Allowance or Widow's Pension, excluding additional pension,
- (f) Bereavement Allowance,
- (g) War Widow's or Widower's Pension,
- (h) Maternity Allowance,
- (i) Industrial Death Benefit,
- (j) Contribution-based Jobseeker's Allowance,
- (k) Contributory Employment and Support Allowance,
- (l) Training Allowance.

(4) When the cared for person dies and an individual was entitled to Carer Support Payment in respect of that cared for person immediately before their death, the individual's entitlement to Carer Support Payment will continue to be paid until whichever of the following comes first—

- (a) until the first day of the award week following the award week in which the individual ceases to satisfy any of the eligibility requirements set out in regulations 6 to 14, or

- (b) for a period of 8 award weeks after the first day of the award week following the award week in which the cared for person died,
- (5) Carer Support Payment may only be given as money, except as provided for by—
- (a) regulation 17 (abatement in respect of a relevant individual), or
 - (b) regulation 26 (form of payment – giving Carer Support Payment by way of deduction).
- (6) For the purposes of this regulation—
- “1914-1918 War Injuries Scheme” means any scheme made under the Injuries in War (Compensation) Act 1914⁽¹⁾ or under the Injuries in War Compensation Act 1914 (Session 2)⁽²⁾ or any Government scheme for compensation in respect of persons injured in any merchant ship or fishing vessel as the result of hostilities during the 1914-1918 War,
- “Bereavement Allowance” means an allowance referred to in section 39B of the 1992 Act subject to the transitional provisions specified in article 4 of the Pensions Act 2014 (Commencement No.10) Order 2017,
- “Contribution-based Jobseeker’s Allowance” means an allowance under the Jobseekers Act 1995 as amended by the provisions of Part 1 of Schedule 14 to the Welfare Reform Act 2012 that remove references to an income-based allowance, and a contribution-based allowance under the Jobseekers Act as that Act has effect apart from those provisions,
- “Contributory Employment and Support Allowance” means an allowance under Part 1 of the Welfare Reform Act 2007 as amended by the provisions of Schedule 3, and Part 1 of Schedule 14, to the Welfare Reform Act 2012 Act that remove references to an income-related allowance, and a contributory allowance under Part 1 of the Welfare Reform Act 2007 as that Part has effect apart from those provisions,
- “Incapacity Benefit” means a benefit referred to in section 30A of the 1992 Act,
- “Industrial Death Benefit” means a benefit referred to in Part VI of Schedule 7 to the 1992 Act,
- “Maternity Allowance” means an allowance referred to in sections 35 and 35B of the 1992 Act,
- “Personal Injuries Scheme” means any scheme made under the Personal Injuries (Emergency Provisions) Act 1939 or under the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939,
- “Retirement Pension” means a pension payable under Part II and Part III of the 1992 Act, excluding any additional pension or graduated retirement benefit,
- “Service Pensions Instrument” means any instrument described in sub-paragraphs (a) or (b) below in so far, but only in so far, as the pensions or other benefits provided by that instrument are not calculated or determined by reference to length of service, namely:—
- (a) any instrument made in exercise of powers—
 - (i) referred to in section 12(1) of the Social Security (Miscellaneous Provisions) Act 1977⁽³⁾ (pensions or other benefits for disablement or death due to service in the armed forces of the Crown); or
 - (ii) under section 1 of the Polish Resettlement Act 1947 (pensions and other benefits for disablement or death due to service in certain Polish forces); or
 - (b) any instrument under which a pension or other benefit may be paid to a person (not being a member of the armed forces of the Crown) out of public funds in respect of death or disablement, wound, injury or disease due to service in any nursing service or other auxiliary service of any of the armed forces of the Crown, or in any other organisation

(1) 1914 c. 30.
 (2) 1914 c. 18.
 (3) 1977 c. 5.

established under the control of the Defence Council or formerly established under the control of the Admiralty, the Army Council or the Air Council,

“Severe Disablement Allowance” means an allowance referred to in sections 68 and 69 of the 1992 Act,

“State Pension” means a pension payable under Part 1 of the Pensions Act 2014,

“Training Allowance” means an allowance (whether by way of periodical grants or otherwise) payable out of public funds by a Government department or by or on behalf of Scottish Enterprise, Highlands and Islands Enterprise, the Secretary of State, the National Assembly for Wales to a person for their maintenance, or in respect of any dependant of theirs, for the period, or part of the period, during which they are following a course of training or instruction provided by, or in pursuance of arrangements made with, that department or approved by that department in relation to them or so provided or approved by or on behalf of the Scottish Enterprise, Highlands and Islands Enterprise, the National Assembly for Wales or the said Commission but it does not include—

- (a) an allowance paid by any Government department to or in respect of a person by reason of the fact that they are following a course of full-time education or is training as a teacher, or
- (b) a payment made by or on behalf of Scottish Enterprise, Highlands and Islands Enterprise or the Secretary of State to any person by way of training premium or training bonus in consequence of that person's use of facilities for training provided in pursuance of arrangements made under section 2 of the Employment and Training Act 1973 or section 2 of the Enterprise and New Towns (Scotland) Act 1990,

“Unemployability Supplement” includes an increase on account of unemployability under any Personal Injuries Scheme, Service Pensions Instrument or 1914-1918 War Injuries Scheme,

“War Widow's Pension” means any widow's or surviving civil partner's pension or allowance granted in respect of a death due to service or war injury and payable by virtue of any enactment mentioned in paragraph (a) of the definition of “War Disablement Pension” in regulation 2, or a pension or allowance for a widow or surviving civil partner granted under any scheme mentioned in section 641(1)(e) or (f) of the Income Tax (Earnings and Pensions) Act 2003,

“Widowed Mother's Allowance” means an allowance referred to in section 37 of the 1992 Act,

“Widowed Parent's Allowance” means an allowance referred to in section 39A of the 1992 Act,

“Widow's Pension” means a pension referred to in section 38 of the 1992 Act.