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DRAFT SCOTTISH STATUTORY INSTRUMENTS

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**2023 No.**

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

**PART 4**

**Making of applications and payments and duration of eligibility**

**Abatement in respect of a relevant benefit**

**17.**—(1) This regulation applies where an individual—

- (a) makes an application for Carer Support Payment, or
- (b) becomes entitled to an increased amount of Carer Support Payment following a determination without application, and
- (c) that individual is (or if they are a member of a couple, their partner is) in receipt of a relevant benefit at any time during the abatement period.

(2) Where this regulation applies, Carer Support Payment may be given (in whole or in part) to the Secretary of State in order to meet, or contribute towards meeting, any liability the individual has to the Secretary of State in connection with a relevant benefit, provided that the individual has—

- (a) agreed to the assistance being given in that form, or
- (b) unreasonably refused to agree to the assistance being given in that form.

(3) The amount of Carer Support Payment that is to be given by way of payment to the Secretary of State in accordance with paragraph (2) is to be the difference between—

- (a) the total amount of any relevant benefits the individual or their partner is paid during the abatement period, and
- (b) the total amount of any relevant benefits the individual or their partner would have been paid during the abatement period had their entitlement to those relevant benefits been adjusted as a result of their entitlement to Carer Support Payment (which, for the avoidance of doubt, includes any carer premia, carer additions, or carer elements that they would be entitled to receive).

(4) For the purposes of this regulation—

“abatement period” means—

- (a) where sub-paragraph (1)(a) applies, a period, as short as reasonably practicable, beginning with the first day of the award week in which the individual's entitlement to Carer Support Payment begins and ending on the day before the first day of the award week in which the individual's first payment of Carer Support Payment is made, or
- (b) where sub paragraph (1)(b) applies, a period, as short as reasonably practicable, beginning with the first day of the award week in which the individual's entitlement to Carer Support Payment increases and ending on the day before the first day of the award week in which the individual received the first payment of Carer Support Payment at that increased amount,

“Income Support” means a payment made under section 124 of the 1992 Act,

“Income-based Jobseeker’s Allowance” means a jobseeker’s allowance entitlement to which is based on the individual’s satisfying conditions which include those set out in section 3 of the Jobseeker’s Act 1995<sup>(1)</sup>, or a joint-claim jobseeker’s allowance,

“Income-related Employment and Support Allowance” means an income-related allowance under Part 1 of the Welfare Reform Act 2007<sup>(2)</sup>,

“joint-claim jobseeker’s allowance” means a jobseeker’s allowance entitlement to which arises by virtue of section 1(2B) of the Jobseeker’s Act 1995, and

“Pension Credit” means a pension credit under the State Pension Credit Act 2002<sup>(3)</sup>, and

“relevant benefit” means—

- (a) Income Support,
- (b) Income-based Jobseeker’s Allowance,
- (c) Income-related Employment and Support Allowance, or
- (d) Pension Credit.

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<sup>(1)</sup> 1995 c. 18.  
<sup>(2)</sup> 2007 c. 5.  
<sup>(3)</sup> 2002 c. 16.