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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 3**

Eligibility

**Provision of care to a cared for person**

**5.—**(1) Carer Support Payment may only be paid to an individual in respect of a period during which that individual provides regular and substantial care to a person to whom a qualifying disability benefit is normally payable (a “cared for person”).

(2) For the purposes of paragraph (1), an individual shall only be treated as being regularly and substantially engaged in caring for a cared for person on every day in a week if they are, or are likely to be, regularly engaged for at least 35 hours in an award week in caring for that cared for person.

(3) No individual can be entitled to Carer Support Payment in respect of a cared for person where another individual is entitled to—

- (a) Carer Support Payment,
- (b) Carer's Allowance, or
- (c) the carer element of Universal Credit,

in respect of that cared for person.

(4) The care must not be provided by an individual—

- (a) under or by virtue of a contract, unless the contract is of a kind specified by regulations made under section 1(3)(a) of the Carers (Scotland) Act 2016(1) as not to be regarded as a contract for the purposes of that Act, or
- (b) as voluntary work done for a charity or other not-for-profit organisation for which no payment is received other than reasonable expenses.

(5) No individual can be entitled to more than one Carer Support Payment in respect of the same period.

(6) No individual can be entitled to Carer Support Payment in respect of a period during which they are in legal detention.

(7) For the avoidance of doubt, an individual may be entitled to Carer Support Payment in respect of a cared for person where another individual is entitled to Young Carer Grant for that cared for person.