
SCOTTISH STATUTORY INSTRUMENTS

2020 No. 475

**EXITING THE EUROPEAN UNION
SOCIAL SECURITY**

**The Carer's Allowance Supplement and Young Carer
Grants (Residence Requirements and Procedural
Provisions) (EU Exit) (Scotland) Regulations 2020**

Made - - - - 23rd December 2020

Coming into force 24th December 2020

**THE CARER'S ALLOWANCE SUPPLEMENT AND YOUNG CARER
GRANTS (RESIDENCE REQUIREMENTS AND PROCEDURAL
PROVISIONS) (EU EXIT) (SCOTLAND) REGULATIONS 2020**

PART 1

Introductory

1. Citation and commencement
2. Interpretation

PART 2

Carer's allowance supplement for individuals resident outside Scotland

3. Amendment of the Social Security (Scotland) Act 2018
4. Meaning of determination of entitlement to a carer's allowance supplement
5. Determination of entitlement to a carer's allowance supplement for individuals resident outside Scotland
6. Timing of applications for a determination of entitlement to a carer's allowance supplement for individuals resident outside Scotland
7. Determination of entitlement to a carer's allowance supplement without application for individuals resident outside Scotland
8. Determination following official error - underpayments
9. Determination following error – overpayments
10. Procedure

Changes to legislation: There are currently no known outstanding effects for the The Carer's Allowance Supplement and Young Carer Grants (Residence Requirements and Procedural Provisions) (EU Exit) (Scotland) Regulations 2020. (See end of Document for details)

PART 3

Young carer grants

11. Amendment of eligibility conditions
Signature

SCHEDULE 1 Amendment of the Social Security (Scotland) Act 2018

1. Section 81 (carer's allowance supplement) of the Social Security (Scotland)...
 2. After subsection (1) insert— (1A) A qualifying individual is an...
 3. In subsection (2), for “A qualifying individual is” substitute “This...”
 4. After subsection (2) insert— (2A) This subsection applies to an...
 5. After subsection (8) insert— (9) An individual met the eligibility...
- #### SCHEDULE 2 Procedural Matters: Carer's Allowance Supplement
- ##### PART 1 Application and determination of applications
1. Form of application
 2. Withdrawal of application
 3. Notice of determination
- ##### PART 2 Re-determination of entitlement
4. Right to request re-determination and periods allowed
 5. Late request for re-determination
 6. Duty to re-determine and period allowed
 7. Notice of re-determination
 8. Notice where re-determination not made timeously
- ##### PART 3 Appeals
9. Right to appeal to First-tier Tribunal against determination
 10. Initiating an appeal
 11. Deadline for appealing
 12. First-tier Tribunal's power to determine entitlement
 13. Appeal to First-tier Tribunal against process decisions
 14. Presumption for purposes of paragraphs 1, 3, 4, 5, 7, 8 and 10
 15. Amendment of the Social Security Appeals (Expenses and Allowances) (Scotland) Regulations 2018
- ##### PART 4 Further provision about determining entitlement
16. Obtaining information to make a determination
 17. Duty to inform about possible eligibility
 18. Appointment of a person to act on behalf of an individual
- ##### PART 5 Coronavirus – relaxation of deadlines
19. Re-determination and appeal deadlines
- Explanatory Note

Changes to legislation:

There are currently no known outstanding effects for the The Carer's Allowance Supplement and Young Carer Grants (Residence Requirements and Procedural Provisions) (EU Exit) (Scotland) Regulations 2020.