#### SCOTTISH STATUTORY INSTRUMENTS

### 2023 No. 302

## SOCIAL SECURITY

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

Made---25th October 2023Coming into force in accordance with regulation 1

# THE CARER'S ASSISTANCE (CARER SUPPORT PAYMENT) (SCOTLAND) REGULATIONS 2023

#### PART 1

#### Introductory and interpretation

- 1. Citation and commencement
- 2. Interpretation

#### PART 2

#### Carer Support Payment

3. Overview

#### PART 3

#### Eligibility

- 4. Age criteria
- 5. Provision of care to a cared for person
- 6. Residence and presence conditions
- 7. Temporary absence from the common travel area
- 8. Serving members of His Majesty's forces, civil servants and their family members
- 9. Aircraft workers, mariners and continental shelf operations
- 10. Persons residing in the United Kingdom to whom a relevant EU regulation applies
- 11. Persons residing outside the United Kingdom to whom a relevant EU regulation applies
- 12. Entitlement to other benefits
- 13. Individuals in education

Document Generated: 2024-05-24 Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

14. Earnings limit

#### PART 4

#### Making of applications and payments and duration of eligibility

- 15. Making payments
- 16. Amount and form of Carer Support Payment
- 17. Abatement in respect of a relevant benefit
- 18. When an application is to be treated as made and beginning of entitlement to assistance
- 19. Applications made within 13 weeks of a qualifying disability benefit decision
- 20. Entitlement beginning before the commencement of these Regulations
- 21. Amount and form of Carer Support Payment where payments are backdated
- 22. Time of payment
- 23. Temporary stop in entitlement
- 24. Multiple applications involving the same cared for person
- 25. Continuing eligibility
- 26. Form of payment giving Carer Support Payment by way of deduction
- 27. When a decrease in amount or cessation of entitlement takes effect
- 28. When an increase in amount of entitlement takes effect

#### PART 5

#### Suspensions

- 29. Circumstances in which assistance may be suspended
- 30. Having regard to financial circumstances
- 31. Information to be given following suspension
- 32. Right to review suspension
- 33. Ending a suspension
- 34. Effect of suspension ending

#### PART 6

Re-consideration of entitlement to Carer Support Payment: determination without application

- 35. Consideration of entitlement after specified period
- 36. Determination following change of circumstances etc.
- 37. Determination following official error underpayments
- 38. Determination following error overpayments
- 39. Determination to effect a deduction decision

#### PART 7

#### Breaks in care

40. Temporary break in care

#### PART 8

Movement of individuals between Scotland and the rest of the United Kingdom

- 41. Individuals in respect of whom Carer's Allowance is paid in another part of the United Kingdom immediately before moving to Scotland
- 42. Individuals in respect of whom Carer Support Payment is paid at the time of moving to another part of the United Kingdom

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

#### PART 9

#### Periods in respect of a re-determination request

43. Periods in respect of a re-determination request

#### PART 10

#### Transfer from Carer's Allowance to Carer Support Payment

44. Transfer from Carer's Allowance to Carer Support Payment

#### PART 11

#### Initial period for applications

45. Initial period for applications

#### PART 12

#### Transitory provision

- 46. Transitory provision initial period for applications
- 47. Exclusion to transitory provision

#### PART 13

#### Consequential amendments

48. Consequential amendments Signature

#### SCHEDULE 1

PART 1 Initial period for applications

- 1. Initial period for applications
- 2. Local authority areas for initial period for applications
  - PART 2 Transfer to Carer Support Payment
- 3. Interpretation
- 4. Notice of intention to transfer to Carer Support Payment
- 5. Determination without application of entitlement to Carer Support Payment
- 6. Date of cessation of Carer's Allowance
- 7. Modification of these regulations: transferring individuals
- 8. Appointees

#### PART 3 Consequential amendments

- 9. Amendment of the 2018 Act
- 10. Amendment of the Carer's Allowance Supplement and Young Carer Grants (Residence Requirements and Procedural Provisions) (EU Exit) (Scotland) Regulations 2020
- 11. Amendment of the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019
  - SCHEDULE 2 Calculation of earnings
- 1. Interpretation
- 2. Calculation of earnings
- 3. Notional earnings
- 4. Rounding of fractions

- 5. Calculation of earnings of employed earners
- 6. Date on which earnings are treated as paid
- 7. Calculation of weekly amount of earnings
- 8. Earnings of employed earners
- 9. Calculation of net earnings of employed earners
- 10. Calculation of earnings of self-employed earners
- 11. Earnings of self-employed earners
- 12. Calculation of net profit of self-employed earners
- 13. Deduction of tax and contributions for self-employed earners
- 14. Sums to be disregarded in the calculation of earnings and profits
- 15. Care charges to be deducted in the calculation of earnings Explanatory Note

#### **Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023. Any changes that have already been made by the team appear in the content and are referenced with annotations. View outstanding changes

#### Changes and effects yet to be applied to :

- reg. 2 words inserted by S.S.I. 2024/141 reg. 13(2)(a)
- reg. 2 words inserted by S.S.I. 2024/141 reg. 13(2)(b)
- reg. 13(2)(3) coming into force by S.S.I. 2023/302 reg. 1(3)
- reg. 14(1) sum substituted by S.S.I. 2024/105 reg. 7(2)
- reg. 16(1) sum substituted by S.S.I. 2024/105 reg. 7(3)

## Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 6(6)(b)(iii)(gg) and word inserted by S.S.I. 2024/141 reg. 13(3)(b)
- reg. 6(6)(b)(iii)(ee) word omitted by S.S.I. 2024/141 reg. 13(3)(a)
- reg. 6(7)(da) inserted by S.S.I. 2024/141 reg. 13(3)(c)
- reg. 23(4)(c)(i)(cc) and word inserted by S.S.I. 2024/141 reg. 13(4)(b)
- reg. 23(4)(c)(i)(aa) word omitted by S.S.I. 2024/141 reg. 13(4)(a)