
STATUTORY INSTRUMENTS

2023 No. 1218

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

Part 3

England and Wales and Scotland

Amendment of the Employment and Support Allowance Regulations 2008

- 19.**—(1) The Employment and Support Allowance Regulations 2008⁽¹⁾ are amended as follows.
- (2) In regulation 2(1) (interpretation), after the definition of “carer’s allowance” insert—
- ““carer support payment” means carer’s assistance given in accordance with the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023;”.
- (3) In regulation 8(2)(a) (relaxation of the first contribution condition), after “carer’s allowance” insert “or carer support payment”.
- (4) In regulation 144(2)(a) (waiting days), after “carer’s allowance” insert “, carer support payment”.
- (5) In regulation 165(3) (entitlement for less than a week - amount of an employment and support allowance payable), after “carer’s allowance” insert “, carer support payment”.
- (6) In regulation 167(d) (modification in the calculation of income), after “carer’s allowance” insert “, carer support payment”.
- (7) In Schedule 4 (amounts)—
- (a) in paragraph 4—
- (i) at the end of sub-paragraph (1)(a) omit “and”;
- (ii) at the end of sub-paragraph (1)(b) insert “and”;
- (iii) after sub-paragraph (1)(b) insert—
- ““(c) in the case of carer support payment, for any period during which, apart from regulation 16 of the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023, the person would be in receipt of that benefit.”;
- (iv) in sub-paragraph (2)—
- (aa) after “carer’s allowance by virtue of sub-paragraph (1)(a)” insert “or carer support payment by virtue of sub-paragraph (1)(c)”;
- (bb) after “the allowance” insert “or payment”;
- (b) in paragraph 6—

⁽¹⁾ S.I. 2008/794; relevant amending instruments are S.I. 2008/2428, 2009/583, 2010/1907, 2011/2425, 2013/388, 2013/591, 2015/1754, 2017/422, 2021/886 and 2022/177.

- (i) in sub-paragraph (2)(a)(iii), after “carer’s allowance” insert “or carer support payment”;
 - (ii) in the words after sub-paragraph (2)(b)(iii)—
 - (aa) after “carer’s allowance” insert “or carer support payment”;
 - (bb) after “such an allowance” insert “or payment”;
 - (iii) in sub-paragraph (5)(b), after “carer’s allowance”, in both places it occurs, insert “or carer support payment”;
 - (iv) in sub-paragraph (6), after “carer’s allowance” insert “, carer support payment”;
- (c) in paragraph 8—
- (i) in sub-paragraph (1), after “carer's allowance under section 70 of the Contributions and Benefits Act” insert “or carer support payment”;
 - (ii) in sub-paragraph (2), after “carer’s allowance”, in both places it occurs, insert “or carer support payment”;
 - (iii) in sub-paragraph (3)—
 - (aa) after “carer’s allowance”, in both places it occurs, insert “or carer support payment”;
 - (bb) in sub-paragraph (b), after “that allowance” insert “or payment”;
 - (iv) in sub-paragraph (4)—
 - (aa) after “carer’s allowance”, in each place it occurs, insert “or carer support payment”;
 - (bb) after “that allowance”, in both places it occurs, insert “or payment”;
- (d) in paragraph 11—
- (i) in sub-paragraph (2)(b)(i), after “carer’s allowance” insert “or carer support payment”;
 - (ii) in sub-paragraph (2)(b)(ii), after “an allowance” insert “or payment”.
- (8) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings), after paragraph 74 insert—
- “**75.** Any amount of carer support payment that is in excess of the amount the claimant would receive if they had an entitlement to carer’s allowance under section 70 of the Contributions and Benefits Act.”.