

SCOTTISH STATUTORY INSTRUMENTS

2019 No. 324

The Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019

PART 3

Procedural matters

Periods for redetermination requests

9.—(1) The period for requesting a re-determination of entitlement to a young carer grant, under section 41 of the Social Security (Scotland) Act 2018, is 31 days beginning with the day that the applicant is informed, in accordance with section 40 of that Act, of the right to make the request.

(2) The period allowed for re-determination (within the meaning of section 43 of that Act) is 16 working days beginning with—

- (a) the day that the request for a re-determination is received by the Scottish Ministers, ^{F1}...
 - (b) where the request for a re-determination is received by the Scottish Ministers later than the period prescribed by paragraph (1), the day on which the Scottish Ministers, or on appeal the First-tier Tribunal for Scotland, decide that the applicant has a good reason for not requesting the re-determination sooner ^{F2}, or
 - (c) in a case where the Scottish Ministers have informed the applicant of their decision that the request for a re-determination was not made in such form as the Scottish Ministers require, the day on which it is subsequently decided by the First-Tier Tribunal for Scotland that the applicant in question has made the request in such form as the Scottish Ministers require.]
- (3) For the purpose of paragraph (2), a “working day” is a day other than—
- (a) a Saturday,
 - (b) a Sunday, or
 - (c) a bank holiday in Scotland under the Banking and Financial Dealings Act 1971 ^{M1}.

Textual Amendments

- F1** Word in reg. 9(2)(a) omitted (9.2.2022) by virtue of [The Social Security \(Period for Re-determination Requests\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/469\)](#), regs. 1(1), 4(2)(a)
- F2** Reg. 9(2)(c) and word inserted (9.2.2022) by [The Social Security \(Period for Re-determination Requests\) \(Miscellaneous Amendments\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/469\)](#), regs. 1(1), 4(2)(b)

Commencement Information

- I1** Reg. 9 in force at 21.10.2019, see [reg. 1](#)

Marginal Citations

- M1** 1971 c.80. Schedule 1, paragraph 2 sets out the Scottish bank holidays; it is amended by the [St Andrew's Day Bank Holiday \(Scotland\) Act 2007 \(asp 2\)](#), [section 1](#).

Multiple applications involving care of the same person

10.—(1) Paragraphs (2) and (3) apply where two or more applicants state that they are caring for the same person.

(2) The Scottish Ministers must determine which (if any) of the applicants is to be entitled to receive a young carer grant.

(3) Where the applications were made at different times, the Scottish Ministers must determine the application made first before determining any other application.

Commencement Information

- I2** Reg. 10 in force at 21.10.2019, see [reg. 1](#)

Determination following backdated award of assistance

11.—(1) The Scottish Ministers are to make a determination of an individual's entitlement to a young carer grant without receiving an application where—

- (a) an application has previously been made for a young carer grant (“the application”),
- (b) the determination made in respect of the application was that the applicant was not entitled to a young carer grant,
- (c) the only reason for the applicant not being entitled to a young carer grant was that a person being cared for was not in receipt of a qualifying disability benefit as required by regulation 6 throughout the qualifying period for the application and on the day of the application,
- (d) the Scottish Ministers establish that—
 - (i) an award of a qualifying disability benefit has been made to the person being cared for that is a backdated award,
 - (ii) had that award been made before the day of the application, a determination that the individual is entitled to a young carer grant would have been made instead, and
- (e) no other person has received a young carer grant since the day of the application, in respect of care of the person being cared for.

(2) In making a determination required by paragraph (1) the Scottish Ministers are to use—

- (a) the information provided in the application that led to the original determination, and
- (b) any other information they have obtained in connection with that application.

(3) Where a determination is to be, or has been, made without an application by virtue of this regulation, references in these Regulations to the day the application is made are to be read as references to the day the application that led to the original determination was made.

(4) In this regulation a “backdated award” means an award of assistance for a day, or a period that begins on a day, that falls before the day the decision to make that award was taken.

Changes to legislation: *There are currently no known outstanding effects for the The Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019, PART 3. (See end of Document for details)*

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Commencement Information

I3 Reg. 11 in force at 21.10.2019, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019, PART 3.