

---

DRAFT SCOTTISH STATUTORY INSTRUMENTS

---

**2020 No.**

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

**PART 2**

**Carer's allowance supplement for individuals resident outside Scotland**

**Determination of entitlement to a carer's allowance supplement without application for individuals resident outside Scotland**

7. The Scottish Ministers are to make a determination of an individual's entitlement to a carer's allowance supplement under regulation 5, without receiving an application, where—

- (a) it appears to the Scottish Ministers from information available to them that the individual is likely to meet the conditions in section 81(9) or (as the case may be) section 81(11) or (13) of the 2018 Act in respect of one or more qualifying dates,
- (b) the Scottish Ministers have previously made a determination that an individual does not meet the conditions in section 81(9) or (as the case may be) section 81(11) or (13) of the 2018 Act in respect of a qualifying date ("the original determination"), and—
  - (i) the Scottish Ministers establish that the individual has received an award of carer's allowance under section 70 of the Social Security Contributions and Benefits Act 1992<sup>(1)</sup>,
  - (ii) the award referred to in sub-paragraph (i) is backdated to include the relevant qualifying date, and
  - (iii) it appears to the Scottish Ministers that, had the backdated award been made before the original determination, it is likely that a determination that the individual met the conditions in section 81(9) or (as the case may be) section 81(11) or (13) of the 2018 Act would have been made instead,
- (c) the individual received a payment of carer's allowance supplement in respect of the most recent qualifying date pursuant to a determination made by the Scottish Ministers under regulation 5.

---

<sup>(1)</sup> 1992 c.4. Section 70 was relevantly amended by [S.I. 2002/1457](#).