

SCHEDULE 2

Procedural Matters: Carer's Allowance Supplement

PART 2

Re-determination of entitlement

Duty to re-determine and period allowed

6.—(1) On receiving a valid request under paragraph 4 to re-determine an individual's entitlement to a carer's allowance supplement the Scottish Ministers are to make a determination of the individual's entitlement to that payment.

(2) The Scottish Ministers must aim to make that determination within the period of 16 working days beginning with—

- (a) the day that the request for a re-determination is received by the Scottish Ministers, or
- (b) in the case of a request for a re-determination to which paragraph 4(3) applies (late requests), the day on which it is decided by the Scottish Ministers or (as the case may be) the First-tier Tribunal for Scotland that the individual has a good reason for not requesting a re-determination sooner.

(3) If the Scottish Ministers fail to make the determination within that period—

- (a) their duty to make the determination ends (but they may still make it), and
- (b) paragraph 8 applies.

(4) For the purpose of sub-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⁽¹⁾.

(1) 1971 c.80, paragraph 2 of schedule 1 sets out the Scottish bank holidays and was amended by section 1 of the St Andrew's Day Bank Holiday (Scotland) Act 2007 (asp 2).