

SCHEDULE 2

Procedural Matters: Carer's Allowance Supplement

PART 1

Application and determination of applications

Form of application

- 1.—(1) An application under regulation 5 must be—
 - (a) made in such form, and
 - (b) accompanied by such evidence as the Scottish Ministers require.
- (2) The Scottish Ministers must publicise any requirements for the time being set under sub-paragraph (1).
- (3) Once—
 - (a) an individual has applied for a carer's allowance supplement in respect of a particular qualifying date, and
 - (b) the Scottish Ministers have made a determination of the individual's entitlement to a carer's allowance supplement in respect of that date,the individual cannot make another application for carer's allowance supplement in respect of that qualifying date.
- (4) Despite paragraph (3), an individual may make another application for a carer's allowance supplement in respect of that qualifying date if the latest determination of the individual's entitlement to assistance in respect of that date states that the individual may make another application.
- (5) If the Scottish Ministers reject something purporting to be an application for a carer's allowance supplement they must inform the individual of—
 - (a) the decision to do that,
 - (b) the reasons for it, and
 - (c) the individual's right to appeal under paragraph 13.

Withdrawal of application

- 2.—(1) An individual who has made an application for a carer's allowance supplement under regulation 5 may request that the Scottish Ministers disregard it.
- (2) If an individual requests that an application be disregarded—
 - (a) the Scottish Ministers are not to make a determination of entitlement on the basis of the application, and
 - (b) accordingly, their duty to do so under regulation 5 ceases to apply.
- (3) A request under sub-paragraph (1) must be made in such form as the Scottish Ministers require.
- (4) The Scottish Ministers must publicise any requirements for the time being set under sub-paragraph (3).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Carer's Allowance Supplement and Young Carer Grants (Residence Requirements and Procedural Provisions) (EU Exit) (Scotland) Regulations 2020 No. 475*

Notice of determination

3.—(1) Having made a determination under regulation 5 of an individual's entitlement to a carer's allowance supplement the Scottish Ministers must inform the individual—

- (a) of the determination,
- (b) of the reasons for it,
- (c) of the individual's right under paragraph 4 to request that the Scottish Ministers re-determine the individual's entitlement to the payment, and
- (d) that the individual will have the right under paragraph 9 to appeal to the First-tier Tribunal against the determination should the Scottish Ministers fail to deal with a request for a re-determination in the period allowed for re-determination.

(2) The Scottish Ministers must fulfil their duty under sub-paragraph (1) in a way that leaves the individual with a record of the information which the individual can show to, or otherwise share with, others.