
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2023 No.

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

PART 6

Re-consideration of entitlement to Carer Support Payment: determination without application

Determination following change of circumstances etc.

36. The Scottish Ministers must make a determination of an individual's entitlement to Carer Support Payment, without receiving an application, where the individual has an ongoing entitlement to Carer Support Payment and they become aware—

- (a) of a change of circumstances whether or not notified by the individual in accordance with section 54 or 56 of the 2018 Act,
- (b) that a determination of an individual's entitlement was made in ignorance of a material fact which is likely to result in an alteration to the amount of Carer Support Payment payable to the individual or which is likely to mean that the individual is no longer entitled to Carer Support Payment,
- (c) that the individual has died,
- (d) that the cared for person has died,
- (e) that the individual has notified the Scottish Ministers that they wish for their entitlement to assistance to begin on a date prior to the day on which their application was treated as made, provided that—
 - (i) the date chosen by the individual is no more than 13 weeks prior to the day on which their application was treated as made, and
 - (ii) the individual satisfied the eligibility requirements set out in Part 3 of these Regulations on that chosen date,
- (f) of an alteration of the award of Carer's Allowance which the individual was entitled to immediately before the date of transfer to Carer Support Payment in accordance with Part 2 of schedule 1, as a result of a decision made pursuant to—
 - (i) a revision under regulation 3 of the Social Security and Child Support (Decisions and Appeals) Regulations 1999⁽¹⁾ ("the 1999 Regulations"),
 - (ii) a supersession under regulation 6 of the 1999 Regulations,

(1) S.I. 1999/991, amended by S.I. 1999/1623, S.I. 1999/1662, S.I. 1999/2750, S.I. 1999/2677, S.I. 2000/897, S.I. 2002/428, S.I. 2002/1379, S.I. 2002/1703, S.I. 2003/916, S.I. 2003/1050, S.I. 2003/1886, S.I. 2005/337, S.I. 2005/2677, S.I. 2006/832, S.I. 2007/2470, S.I. 2007/2582, S.I. 2008/1554, S.I. 2008/2667, S.I. 2008/2683, S.I. 2009/659, S.I. 2009/1490, S.I. 2010/424, S.I. 2010/840, S.I. 2010/1160, S.I. 2011/2425, S.I. 2012/824, S.I. 2012/913, S.I. 2012/919, S.I. 2012/2568, S.I. 2012/2575, S.I. 2013/2380, S.I. 2014/1097, S.I. 2015/339, S.I. 2015/1985, S.I. 2016/1145, S.I. 2017/422, S.I. 2017/1015, S.I. 2021/786, S.I. 2022/177 and S.I. 2022/1329.

- (iii) an appeal under section 12 of the Social Security Act 1998 (“the 1998 Act”)(2),
 - (iv) a redetermination under section 13 of the 1998 Act,
 - (v) an appeal to the Upper Tribunal under section 14 of the 1998 Act,
 - (vi) a revision under article 10 of the Social Security (Northern Ireland) Order 1998(3) (“the 1998 Order”),
 - (vii) a supersession under article 11 of the 1998 Order,
 - (viii) an appeal under article 13 of the 1998 Order, or
 - (ix) an appeal to the Commissioner under article 15 of the 1998 Order,
- (g) of an alteration of the award of Carer’s Allowance which the individual was entitled to immediately before moving to Scotland in circumstances in which regulation 41 (individuals in respect of whom Carer’s Allowance is paid in another part of the United Kingdom immediately before moving to Scotland) applies, as a result of a decision made pursuant to—
- (i) a revision under regulation 3 of the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (“the 1999 Regulations”),
 - (ii) a supersession under regulation 6 of the 1999 Regulations,
 - (iii) an appeal under section 12 of the Social Security Act 1998 (“the 1998 Act”),
 - (iv) a re-consideration under section 13 of the 1998 Act,
 - (v) an appeal to the Upper Tribunal under section 14 of the 1998 Act,
 - (vi) a revision under article 10 of the Social Security (Northern Ireland) Order 1998(4) (“the 1998 Order”),
 - (vii) a supersession under article 11 of the 1998 Order,
 - (viii) an appeal under article 13 of the 1998 Order, or
 - (ix) an appeal to the Commissioner under article 15 of the 1998 Order.

(2) 1998 c. 14. Section 12 was amended by schedules 7 and 10 of the Social Security Contributions (Transfer of Functions etc.) Act 1999 (c. 2), sections 102 and 105 of the Welfare Reform Act 2012 (c. 5), S.I. 2008/2833 and S.I. 2014/886.

(3) S.I. 1998/1506 (N.I. 10), amended by S.I. 1999/671, S.I. 2014/886 and S.I. 2015/2006 (N.I. 1).

(4) S.I. 1998/1506 (N.I. 10), amended by S.I. 1999/671, S.I. 2014/886 and S.I. 2015/2006 (N.I. 1).