

Changes to legislation: *The Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023 is up to date with all changes known to be in force on or before 01 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for Carer Support Payment which is a type of carer's assistance given by the Scottish Ministers under section 28 of the Social Security (Scotland) Act 2018.

Part 2 provides an overview of arrangements for payment of Carer Support Payment.

Part 3 sets out the eligibility criteria including the age criteria, requirements for the provision of care to a cared for person, residence and presence conditions, the effect of entitlement to other benefits, criteria for individuals in education and the earnings limit. Schedule 2 provides for calculation of earnings.

Part 4 provides for the making of applications, the time of payments, the amount and form of Carer Support Payment and abatement in respect of a relevant benefit. It also provides for continuing eligibility, temporary stops in entitlement and multiple applications involving the same cared for person. It includes provisions to make payments by way of deduction and when increases and decreases in payments take effect.

Part 5 provides for suspensions.

Part 6 deals with reconsideration of entitlement, where an award of Carer Support Payment has already been made and is being revisited. It provides for determinations without application to be made where a specified period has elapsed, there is a change in circumstances, to address errors resulting in overpayments, official errors resulting in underpayments, or to effect a deduction decision.

Part 7 deals with temporary breaks in care.

Part 8 provides for the situation where people in Scotland in receipt of Carer Support Payment move to another part of the United Kingdom or people in another part of the United Kingdom in receipt of equivalent assistance, Carer's Allowance, move to Scotland.

Part 9 provides for time periods for dealing with requests for re-determination of entitlement.

Part 10 and Part 2 of schedule 1 makes provision to transfer individuals who meet the residence and presence conditions and are awarded Carer's Allowance to become entitled to Carer Support Payment.

Parts 11 and 12 and Part 1 of schedule 1 makes provision for an initial period for applications to take place before full rollout of Carer Support Payment.

Part 13 and Part 3 of schedule 1 make provision for consequential amendments.

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Changes and effects yet to be applied to :

- reg. 2 words inserted by [S.S.I. 2024/141 reg. 13\(2\)\(a\)](#)
- reg. 2 words inserted by [S.S.I. 2024/141 reg. 13\(2\)\(b\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 6(6)(b)(iii)(gg) and word inserted by [S.S.I. 2024/141 reg. 13\(3\)\(b\)](#)
- reg. 6(6)(b)(iii)(ee) word omitted by [S.S.I. 2024/141 reg. 13\(3\)\(a\)](#)
- reg. 6(7)(da) inserted by [S.S.I. 2024/141 reg. 13\(3\)\(c\)](#)
- reg. 23(4)(c)(i)(cc) and word inserted by [S.S.I. 2024/141 reg. 13\(4\)\(b\)](#)
- reg. 23(4)(c)(i)(aa) word omitted by [S.S.I. 2024/141 reg. 13\(4\)\(a\)](#)