
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 302

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

PART 3

Eligibility

Persons residing in the United Kingdom to whom a relevant EU regulation applies

10.—(1) The past presence condition set out in regulation 6(1)(e) (residence and presence conditions) does not apply where on any day the individual is—

- (a) ordinarily resident in Scotland,
- (b) habitually resident in the United Kingdom,
- (c) an individual—
 - (i) to whom the rules set out in a relevant EU regulation apply by virtue of—
 - (aa) Title III of Part 2 of the EU withdrawal agreement,
 - (bb) Part 3 or Article 23(4) of the Swiss citizens' rights agreement (as defined in section 39(1) of the European Union (Withdrawal Agreement) Act 2020⁽¹⁾ ("the 2020 Act"),
 - (cc) Title III of the EEA EFTA separation agreement (as defined in section 39(1) of the 2020 Act), or
 - (dd) the agreement constituted by the exchange of letters set out in the schedule of the Family Allowances, National Insurance and Industrial Injuries (Gibraltar) Order 1974⁽²⁾,
 - (ii) in respect of whom the United Kingdom is, as a result, competent for payment of sickness benefits in cash.

(2) An individual to whom a relevant EU regulation applies is not entitled to Carer Support Payment for a period unless during that period the United Kingdom is competent for payment of sickness benefits in cash to the person for the purposes of the relevant EU regulation in question.

(1) 2020 c. 1.

(2) S.I. 1974/555.