
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 302

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

PART 3

Eligibility

Individuals in education

13.—(1) An individual who has not reached the age of 20 will not be entitled to Carer Support Payment if they are—

- (a) undertaking a course of full-time education, which is not advanced education and which is not provided by virtue of their employment or any office held by them, or
- (b) being provided with “appropriate full-time education” in England within the meaning of section 4 (appropriate full-time education or training) of the Education and Skills Act 2008⁽¹⁾, which is not—
 - (i) a course in preparation for a degree, a diploma of higher education, a higher national certificate, a higher national diploma, a teaching qualification, any other course which is of a standard above ordinary national diploma, a national diploma, or national certificate of Edexcel, a general certificate of education (advanced level), or Scottish national qualifications at higher or advanced higher level,
 - (ii) provided by virtue of their employment of any office held by them,
- (c) undertaking approved training that is not provided by means of a contract of employment.

(2) This regulation does not apply to an individual if they are—

- (a) without parental support,
- (b) entitled to disability living allowance, child disability payment, adult disability payment or personal independence payment and, on a date before the date on which the individual starts receiving education—
 - (i) it has been determined that they have limited capability for work or limited capability for work and work-related activity on the basis of an assessment under Part 5 of the Universal Credit Regulations 2013⁽²⁾ or under Part 4 or 5 of the Employment and Support Allowance Regulations 2013⁽³⁾, or
 - (ii) they are treated as having limited capability for work under schedule 8 of the Universal Credit Regulations 2013 or limited capability for work and work-related activity under schedule 9 of the Universal Credit Regulations 2013,
- (c) responsible for a child or a qualifying young person,

⁽¹⁾ 2008 c. 25, amended by schedule 3 of the Children and Families Act 2014 (c. 6).

⁽²⁾ S.I. 2013/376.

⁽³⁾ S.I. 2013/379.

Changes to legislation: *The Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023, Section 13 is up to date with all changes known to be in force on or before 01 August 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*

- (d) single and is a foster parent with whom a child is placed,
 - (e) a member of a couple—
 - (i) and the other member of the couple is not undertaking a course of education, or
 - (ii) both of whom are receiving education, and the other member of the couple falls within one of the exceptions set out in paragraph (2)(a) to (d).
- (3) For the purposes of paragraph (2)(a), an individual is without parental support if they are not being looked after by a local authority and—
- (a) has no parent,
 - (b) cannot live with their parents because—
 - (i) the individual is estranged from them, or
 - (ii) there is a serious risk to the individual's physical or mental health, or that individual would suffer significant harm if the individual lived with them,
 - (c) is living away from their parents, and neither parent is able to support the individual financially because that parent—
 - (i) has a physical or mental impairment,
 - (ii) is detained in custody pending trial or sentence upon conviction or under a sentence imposed by a court, or
 - (iii) is prohibited from entering or re-entering Great Britain.
- (4) For the purposes of this regulation—
- “advanced education” means full-time education (which is not school education within the meaning of the Education (Scotland) Act 1980(4)) for the purposes of—
- (a) a course in preparation for a degree, a diploma of higher education, a higher national certificate, a higher national diploma, or a teaching qualification, or
 - (b) any other course which is of a standard above ordinary national diploma, a national diploma or national certificate of Edexcel, a general certificate of education (advanced level), or Scottish national qualifications at higher or advanced higher level,
- “approved training” means arrangements made by the Government—
- (a) in relation to Wales, known as “Traineeships” or “Foundation Apprenticeships”,
 - (b) in relation to Scotland, known as “No One Left Behind”, or
 - (c) in relation to Northern Ireland, known as “PEACE IV Children and Young People 2.1”, “Training for Success”, or “Skills for Life and Work”,
- “arrangements made by the Government” means arrangements—
- (a) in relation to England and Wales, made by the Secretary of State under section 2 of the Employment and Training Act 1973(5),
 - (b) in relation to Scotland, made—
 - (i) by the Scottish Ministers under section 2 of the Employment and Training Act 1973,

(4) 1980 c. 44. Section 1(5)(a) was amended by schedule 3 of the Standards in Scotland's Schools etc. Act 2000 (asp 6), schedule 3 of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4) and schedule 5 of the Children and Young People (Scotland) Act 2014 (asp 8).

(5) 1973 c. 50. Section 2 was amended by section 25 of the Employment Act 1988 (c. 19), section 29 of the Employment Act 1989 (c. 38) and section 47 of the trade Union reform and Employment Rights Act 1993 (c.19).

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- (ii) by Scottish Enterprise or Highlands and Islands Enterprise under section 2 of the Enterprise and New Towns (Scotland) Act 1990(6), or
- (c) in relation to Northern Ireland, made by the Department for Communities or the Department for the Economy under sections 1 and 3 of the Employment and Training Act (Northern Ireland) 1950(7),

“foster parent” means—

- (a) under the law of Scotland, a foster carer or kinship carer with whom a child is placed under the Looked After Children (Scotland) Regulations 2009(8), or
- (b) under the law of England and Wales and Northern Ireland, a person with whom a child is placed who has an equivalent relationship with the child to those listed under the law of Scotland,

“full-time education”—

- (a) is education undertaken in pursuit of a course, where the average time spent during term time in receiving tuition, engaging in practical work, or supervised study, or taking examinations exceeds 21 hours per week, and
- (b) in calculating the time spent in pursuit of the course, no account is taken of time occupied by meal breaks or spent on unsupervised study, and

“qualifying young person” has the same meaning as regulation 5 of the Universal Credit Regulations 2013.

Commencement Information

- I1** Reg. 13(1)(4) in force at 19.11.2023, see [reg. 1\(2\)](#)
- I2** Reg. 13(2)(3) in force at 1.10.2024, see [reg. 1\(3\)](#)
- I3** [Reg. 13\(2\)\(3\)](#) in force at 23.6.2024, see [reg. 1\(3\)](#) (as amended by S.S.I. 2024/173, [regs. 1\(2\), 2\(2\)](#))

(6) 1990 c. 35. Section 2 was amended by section 47 and schedule 10 of the Trade Union Reform and Employment Rights Act 1993 (c. 19), schedule 26 of the Equality Act 2010 (c. 15) and S.I. 1999/1820.

(7) 1950 c. 29. Section 1 was amended by sections 20 and 21 and schedule 1 of the Employment Act (Northern Ireland) 2016 (c. 12) and S.I. 2016/76. Section 3 was amended by S.I. 2016/76.

(8) S.S.I. 2009/210.

Changes to legislation:

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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\(4\)\(a\)](#)