
SCOTTISH STATUTORY INSTRUMENTS

2023 No. 302

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

PART 4

Making of applications and payments and duration of eligibility

[^{F1}Entitlement beginning before individual satisfied the residence requirements in regulation 46

18A.—(1) This paragraph applies where an individual—

- (a) is undertaking—
 - (i) a course of full-time advanced education,
 - (ii) a course of full-time education which is provided by virtue of their employment or any office held by them, or
 - (iii) a course of full-time education and has reached the age of 20,
- (b) is exempt from fulfilling the past presence test in regulation 6(1)(e) (residence and presence) by virtue of an exception mentioned in regulation 6(6), or
- (c) would not satisfy the past presence test in regulation 9(1)(c) (residence and presence in Great Britain) of the Social Security (Invalid Care Allowance) Regulations 1976 at any point between 19 November 2023 and the date on which they first satisfied the eligibility criteria prescribed in these regulations (including those prescribed in regulation 46 (transitory provision - initial period for applications), insofar as it applies).

(2) Where, on the basis of an application, a determination is made that an individual to whom paragraph (1) applies is entitled to Carer Support Payment, entitlement to assistance is to begin—

- (a) on the first day of the award week in which the application is treated as made in accordance with regulation 18(1) (when an application is to be treated as made and beginning of entitlement to assistance), or
- (b) where the individual has notified the Scottish Ministers that they wish their entitlement to assistance to begin on a date prior to the day on which their application is treated as made, on the first day of the award week in which that chosen date falls, provided that—
 - (i) the date chosen by the individual is no earlier than 19 November 2023,
 - (ii) the individual's application is received by the Scottish Ministers—
 - (aa) on or before the relevant date, or
 - (bb) after the relevant date, provided the Scottish Ministers consider that the individual has good reason for not making their application on or before the relevant date, and
 - (iii) the individual satisfied the eligibility requirements set out in Part 3 of these Regulations on that chosen date.

Changes to legislation: *The Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023, Section 18A is up to date with all changes known to be in force on or before 27 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*

(3) For the purposes of this regulation—

“advanced education” has the same meaning as in regulation 13(4),

“full-time education” has the same meaning as in regulation 13(4),

“the relevant date” means the date specified paragraph 2A of schedule 1.]

Textual Amendments

F1 Regs. 18A, 18B inserted (23.6.2024) by [The Carer's Assistance \(Carer Support Payment\) \(Scotland\) Amendment Regulations 2024 \(S.S.I. 2024/173\)](#), regs. 1(2), **2(4)**

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