

## EXPLANATORY NOTE

*(This note is not part of the Order)*

The Carer's Assistance (Carer Support Payment) Regulations 2023 (S.S.I. 2023/XXX) made under section 28 of the Social Security (Scotland) Act 2018 (asp 9) introduce arrangements for the payment of carer's assistance in Scotland in the form of "carer support payment". The carer support payment replaces the carer's allowance for carers residing in Scotland.

This Order makes amendments to social security legislation in the United Kingdom governing entitlement to certain benefits.

Article 2 makes amendments to section 70 of the Social Security Contributions and Benefits Act 1992 (c. 4), as that section extends to England and Wales, so that an individual cannot be entitled to carer's allowance and carer support payment in respect of the same period. The amendments to section 70 also set out a process by which claims for carer's allowance or the carer element of universal credit will be determined when there is another competing claim for carer's allowance, the carer element of universal credit, or, as the case may be, carer support payment.

Article 3 makes equivalent amendments to section 70 of the Social Security Contributions and Benefits Act 1992 in respect of Scotland.

Article 4 amends section 150 of the same Act so that individuals entitled to carer support payment are also entitled to a Christmas bonus.

Article 5 makes consequential amendments to the State Pension Credit Act 2002 (c. 16) so that an additional amount is included in the calculation of an individual's guarantee credit when they are entitled to carer support payment.

Article 6 makes an amendment to the Social Security Act 1998 (c. 14) to ensure that the cross-reference to section 70 of the Social Security Contributions and Benefits Act 1992, in respect of decisions under that section against which no appeal lies, is correct in light of the amendments made by articles 2 and 3 of this Order.

Article 7 makes amendments to section 70 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7) which are equivalent to the amendments made by articles 2 and 3, in respect of Northern Ireland.

Article 8 makes consequential amendments to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)) so that an additional amount is included in the calculation of an individual's guarantee credit when they are entitled to carer support payment.

Article 9 makes an amendment to the Social Security (Northern Ireland) Order 1998 (S.I. 1998/1506 (N.I. 10)) to ensure that the cross-reference to section 70 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992, in respect of decisions under that section against which no appeal lies, is correct in light of the amendments made by article 7 of this Order.

Article 10 makes consequential amendments to the Personal Injuries (Civilians) Scheme 1983 (S.I. 1983/686) so that an individual cannot receive severe disablement occupational allowance if they are in receipt of carer support payment.

Article 11 makes consequential amendments to the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 (S.I. 2006/606) so that an individual cannot receive severe disablement occupational allowance if they are in receipt of carer support payment.

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: *The Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023 (Consequential Modifications) Order 2023 No. 1214*

Article 12 makes consequential amendments to Childcare Payments Regulations 2015 ([S.I. 2015/522](#)) so that parents who are awaiting a determination of entitlement to carer support payment may still be eligible for assistance provided under the Childcare Payment Act 2014 ([c. 28](#)).

A full Impact Assessment has not been produced for this instrument as no, or no significant impact on the private, voluntary or public sectors is foreseen.