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STATUTORY INSTRUMENTS

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**2023 No. 1214**

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

**Part 5**

**Northern Ireland**

**Amendment of the Social Security Contributions and Benefits (Northern Ireland) Act 1992**

7.—(1) The Social Security Contributions and Benefits (Northern Ireland) Act 1992<sup>(1)</sup> is amended as follows.

(2) In section 70 (carer's allowance)<sup>(2)</sup>, for subsection (7) substitute—

“(7) No person shall be entitled for the same day to—

- (a) more than one allowance under this section; or
- (b) both an allowance under this section and carer support payment.

(7ZA) Where, apart from this subsection, two or more persons would have a relevant entitlement for the same day in respect of the same severely disabled person, one of them only shall have that entitlement and that shall be such one of them—

- (a) as they may jointly elect in the prescribed manner; or
- (b) as may, in default of such an election, be determined by the Department in its discretion.

(7ZB) Subsection (7ZC) applies where (disregarding the effect of regulation 5(3) of the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023) a person (A) has an entitlement to carer support payment for a day in respect of a severely disabled person.

(7ZC) Another person (B) shall not have a relevant entitlement for the same day in respect of the same severely disabled person unless—

- (a) A and B jointly elect in the prescribed manner that B shall have the relevant entitlement (and that A shall not have an entitlement to carer support payment) for that day in respect of that severely disabled person; or
- (b) in default of such an election, the Department is satisfied, following consultation with the Scottish Ministers, that—
  - (i) the Scottish Ministers have decided (under regulation 24 of the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023) that A shall not have an entitlement to carer support payment for that day in respect of that severely disabled person; and

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<sup>(1)</sup> 1992 c. 7.

<sup>(2)</sup> Section 70(7) was amended by, and section 70(7A) was inserted by [S.R. 2016 No. 236](#); there are other amending instruments but none is relevant.

- (ii) B shall have the relevant entitlement for that day in respect of that severely disabled person.”.
- (3) In subsection (7A) of that section, for “subsection (7)” substitute “subsections (7ZA) and (7ZC)”.
- (4) After subsection (7A) of that section, insert—
  - “(7B) In this section, “carer support payment” means carer’s assistance given in accordance with the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023.”.

#### **Amendment of the State Pension Credit Act (Northern Ireland) 2002**

- 8.**—(1) Section 2 of the State Pension Credit Act (Northern Ireland) 2002<sup>(3)</sup> (guarantee credit) is amended as follows.
- (2) In subsection (8)—
    - (a) in paragraph (a), after “(invalid care allowance)” insert “or carer support payment”;
    - (b) in paragraph (b), after “an allowance” insert “or payment”.
  - (3) After that subsection insert—
    - “(8A) In subsection (8), “carer support payment” means carer’s assistance given in accordance with the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023.”.

#### **Amendment of the Social Security (Northern Ireland) Order 1998**

- 9.**—(1) The Social Security (Northern Ireland) Order 1998<sup>(4)</sup> is amended as follows.
- (2) In Schedule 2 (decisions against which no appeal lies)<sup>(5)</sup>—
    - (a) in the italic heading before paragraph 3, after “carer’s allowance” insert “, carer support payment and the carer element of universal credit”;
    - (b) for paragraph 3 substitute—
      - “**3.** A decision as to whether a person has a relevant entitlement under section 70(7ZA) or (7ZC) of the Contributions and Benefits Act.”.

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<sup>(3)</sup> 2002 c. 14 (N.I.). Section 2(8)(b) was amended by paragraph 148 of Schedule 24 to the Civil Partnership Act 2004 (c. 33).

<sup>(4)</sup> S.I. 1998/1506 (N.I. 10).

<sup>(5)</sup> Paragraph 3 of Schedule 2 was amended by S.R. 2002 No. 321.