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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.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (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.”.