The Carer's Assistance (Young Carer Grant and Carer Support Payment) (Miscellaneous Amendment and Saving Provision) (Scotland) Regulations 2025

August 2025

Scottish Government
Riaghaltas na h-Alba

Draft Regulations laid before the Scottish Parliament under section 96(2) of the Social Security (Scotland) Act 2018, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2025 No.

SOCIAL SECURITY

The Carer's Assistance (Young Carer Grant and Carer Support Payment) (Miscellaneous Amendment and Saving Provision) (Scotland) Regulations 2025

Made - - - - 2025

Coming into force - in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 28(2), 41(4)(a), 43(5), 51(1), 52, 81(8) and 95 of the Social Security (Scotland) Act 2018 (**a**) and all other powers enabling them to do so.

In accordance with section 96(2) of that Act, a draft of these Regulations has been laid before and approved by resolution of the Scottish Parliament.

In accordance with section 97(2) of that Act, the Scottish Ministers have informed the Scottish Commission on Social Security of their proposals, notified the Scottish Parliament that they have done so and made their proposals publicly available by such means as they consider appropriate.

PART 1

Introductory and interpretation

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Carer's Assistance (Young Carer Grant and Carer Support Payment) (Miscellaneous Amendment and Saving Provision) (Scotland) Regulations 2025.

(2) Subject to paragraph (3), these Regulations come into force on 15 March 2026.

(3) Regulations 2, 3(6), (9), (14)(a), (17)(b), (18)(d), (21)(d)(i), 21(d)(ii), (26)(a), (26)(b), (26)(d) and 26(e)come into force on 16 November 2025.

(4) In these Regulations—

"the 2018 Act" means the Social Security (Scotland) Act 2018,

(**a**) 2018 asp 9 ("the 2018 Act"), relevantly amended by paragraphs 2 and 4 of schedule 7 of the Coronavirus (Scotland) Act 2020 (asp 7) and section 12 of the Social Security Administration and Tribunal Membership (Scotland) Act 2020 (asp 18) ("the 2020 Act"). Schedules 2 and 11 of the 2018 Act, respectively make provision about the exercise of powers under sections 28 and 51. Schedule 11 of the 2018 Act was inserted by section 12(4) of the 2020 Act. The powers to make these Regulations are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10) and they are subject to the affirmative procedure by virtue of section 33(3) of that Act.

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"the 2023 Regulations" means the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023.

PART 2

Young Carer Grants

Amendment of the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019

2.—(1) The Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019(**a**) are amended in accordance with paragraphs (2) and (3).

(2) In regulation 4(1) (making of applications) for "19" substitute "20".

(3) In regulation 7(6) (further eligibility conditions) for "three" substitute "4".

PART 3

Carer Support

Amendment of the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023

3.—(1) The 2023 Regulations are amended in accordance with paragraphs (2) to (26).

(2) In regulation 2 (interpretation)—

(a) after the definition of "the 1992 Act" insert—

""additional cared for person" is a person who receives regular and substantial care in terms of regulation 14B(1)(b) and 14B(2),",

(b) after the definition of "cared for person" insert—

""Carer Additional Person Payment" means the Carer Additional Person Payment component of Carer Support given in accordance with these regulations,",

(c) after the definition of "Carer's Allowance" insert

""Carer Support" means carer's assistance given in accordance with these Regulations,",

(d) in the definition of "Carer Support Payment" for "carer's assistance" substitute "the Carer Support Payment component of Carer Support,"

(e) after the definition of "Scottish Adult Disability Living Allowance" insert—

""Scottish Carer Supplement" means the Scottish Carer Supplement component of Carer Support given in accordance with these Regulations,".

(3) In Part 2 for the heading substitute "Carer Support".

(4) For regulation 3 (overview) substitute—

"Overview

3.—(1) Carer Support is to consist of the following components—

(a) Carer Support Payment,

(b) Scottish Carer Supplement, and

(c) Carer Additional Person Payment.

(**a**) S.S.I. 2019/324.

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(2) An individual is entitled to Carer Support in accordance with these Regulations if they meet the eligibility rules in—

(a) regulation 4 (age criteria),

(b) regulations 6 to 11 (residence and presence conditions),

(c) regulation 13 (individuals in education), and

(d) for Carer Support Payment—

(i) regulation 5 (provision of care to a cared for person),

(ii) regulation 12 (entitlement to other benefits), and

(iii) regulation 14 (earnings limit),

(f) for Scottish Carer Supplement, regulation 14A (Scottish Carer Supplement), and

(g) for Carer Additional Person Payment, regulation 14B (Carer Additional Person Payment).".

(5) In the following provisions, for "Carer Support Payment" substitute "Carer Support" in each place it occurs—

(a) regulation 4 (age criteria),

(b) regulation 6 (residence and presence conditions),

(c) regulation 10 (persons residing in the United Kingdom to whom a relevant EU regulation applies),

(d) regulation 11 (persons residing outside the United Kingdom to whom a relevant EU regulation applies),

(e) regulation 13 (individuals in education),

(f) regulation 15 (making payments),

(g) regulation 18 (when an application is to be treated as made and beginning of entitlement to assistance),

(h) regulation 22 (time of payment),

(i) regulation 23 (temporary stop in entitlement),

(j) regulation 25 (continuing eligibility),

(k) regulation 26 (form of payment – giving Carer Support Payment by way of deduction) in the heading,

(l) regulation 26,

(m) regulation 29 (circumstances in which assistance may be suspended),

(n) regulation 30 (having regard to financial circumstances),

(o) regulation 31 (information to be given following suspension),

(p) regulation 32 (right to review suspension),

(q) regulation 34 (effect of suspension ending),

(r) in Part 6 in the heading,

(s) regulation 35 (consideration of entitlement after specified period),

(t) regulation 37 (determination following official error – underpayments),

(u) regulation 38 (determination following error – overpayments),

(v) regulation 39 (determination to effect a deduction decision),

(w) regulation 41 (individuals in respect of whom Carer's Allowance is paid in another part of the United Kingdom immediately before moving to Scotland),

(x) regulation 42 (individuals in respect of whom Carer Support Payment is paid at the time of moving to another part of the United Kingdom) in the heading,

(y) regulation 42,

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(z) regulation 43 (periods in respect of a re-determination request).

(6) In regulation 5(6), for "paragraph (2)" substitute "paragraph (1)".

(7) In regulation 6 (residence and presence)—

(a) at the end of paragraph (6)(b) after "cared for person" insert "or as the case may be, an additional cared for person",

(b) in paragraph (7) for "individual and cared for person" substitute "individual, cared for person or additional cared for person".

(8) In regulation 7 (temporary absence from the common travel area) after each occurrence of "cared for person" insert "or an additional cared for person".

(9) In regulation 14(1) (earnings limit), for "that award" substitute "the immediately preceding".

(10) After regulation 14 (earnings limit) insert—

"Scottish Carer Supplement

14A. An individual is entitled to be paid Scottish Carer Supplement for each award week in which Carer Support Payment is payable to that individual.

Carer Additional Person Payment

14B.—(1) An individual is entitled to be paid Carer Additional Person Payment for each award week in which—

(a) Carer Support Payment is payable to the individual, and

(b) the individual provides regular and substantial care to an additional cared for person to whom a qualifying disability benefit is normally payable.

(2) The additional cared for person mentioned in paragraph (1)(b) is a different person from the cared for person.

(3) An individual may be entitled to Carer Additional Person Payment in respect of more than one additional cared for person.

(4) For the purposes of paragraph (1)(b), an individual shall only be treated as being regularly and substantially engaged in caring for an additional cared for person on every day in a week if they are, or are likely to be, regularly engaged for at least 20 hours in an award week in caring for that additional cared for person.

(5) The care for the additional cared for person must not be provided by an individual—

(a) under or by virtue of a contract, unless the contract is of a kind specified by regulations made under section 1(3) of the Carers (Scotland) Act 2016 as not to be regarded as a contract for the purposes of that Act, or

(b) as voluntary work done for a charity or other not-for-profit organisation for which no payment is received other than reasonable expenses.

(6) An individual may be entitled to Carer Additional Person Payment in respect of an additional cared for person where another individual is entitled to—

(a) Carer Support Payment,

(b) Carer's Allowance,

(c) the carer element of Universal Credit,

(d) Young Carer Grant,

in respect of that additional cared for person.

(7) No individual can be entitled to Carer Additional Person Payment in respect of an additional cared for person where another individual is entitled to Carer Additional Personal Payment in respect of that additional cared for person.

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(8) For the avoidance of doubt, the hours referred to under regulation 5(2) (provision of care to a cared for person) and paragraph (4) may run concurrently, including in relation to more than one additional cared for person.

(9) The Scottish Ministers are to make a determination without receiving an application that the individual is no longer entitled to Carer Additional Person Payment where an individual who has an ongoing entitlement to Carer Additional Person Payment cares for an additional cared for person whose qualifying disability benefit has been—

(a) reduced to £0,

(b) ended in the circumstances set out in regulation 23(4)(b) (temporary stop in entitlement),

(c) suspended as a result of the circumstances set out in regulation 23(4)(c).

(10) Where paragraph (9)(a) or (b) applies, the determination comes into effect on the first day of the award week following the award week in which the additional cared for person's qualifying disability benefit has been ended or reduced to £0.

(11) Where paragraph (9)(c) applies, the determination comes into effect on the first day of the award week following the day on which the additional cared for person's qualifying disability benefit has been suspended for 4 weeks.".

(11) In regulation 16 (amount and form of Carer Support Payment)—

(a) for the heading substitute—

"Amount and form of Carer Support"

(b) in paragraph (1) in the opening words, omit "Subject to regulation 21 (amount and form of carer support payment where payments are backdated),",

(c) after paragraph (1) insert—

"(1A) The weekly rate of payment of Scottish Carer Supplement is [£11.10].

(1B) The weekly rate of payment of Carer Additional Person Payment is [£10.00].".

(d) in paragraph (4)—

(i) for both occurrences of "Carer Support Payment" substitute "Carer Support",

(ii) for sub-paragraph (b) substitute—

"(b) where the cared for person died on or after 15 March 2026, for a period of 12 award weeks after the first day of the award week following the award week in which the cared for person died.".

(e) after paragraph (4) insert—

"(4A) When the additional cared for person dies and an individual was entitled to Carer Additional Person Payment in respect of that additional cared for person immediately before their death, the individual's entitlement to Carer Additional Person Payment will continue to be paid until whichever of the following comes first—

(a) until the first day of the award week following the award week in which the individual ceases to satisfy the eligibility requirement set out in regulation 14B(1)(a), or

(b) for a period of 12 award weeks after the first day of the award week following the award week in which the additional cared for person died.".

(f) in paragraph (5)—

(i) in the opening words omit "Payment",

(ii) in sub-paragraph (a) after "(abatement in respect of a relevant individual)" insert "in relation to Carer Support Payment".

(12) In regulation 17(1)(a) (abatement in respect of a relevant benefit), omit "Payment".

(13) In regulation 19 (applications made within 13 weeks of a qualifying disability benefit decision)

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(a) in paragraph (1) for "Carer Support Payment" where it first occurs substitute "Carer Support".

(b) at the end insert—

"(4) This regulation applies to Carer Additional Person Payment with the following modifications—

(a) the references to "Carer Support Payment" are to be read as "Carer Additional Person Payment",

(b) the references to "cared for person" are to be read as "additional cared for person",

(c) where paragraph (1) applies, the entitlement to Carer Additional Person Payment is to begin on the first day of the award week in which, as a result of that relevant qualifying disability benefit decision, entitlement to that benefit begins, provided that—

(i) the individual satisfied the eligibility requirements set out in Part 3 of these Regulations on that date, and

(ii) the date falls no earlier than 15 March 2026.

(5) Where paragraph (1) applies, entitlement to Scottish Carer Supplement will begin on—

(a) the same date as identified in accordance with paragraph (1), or

(b) 15 March 2026,

whichever is later.".

(14) In regulation 23 (temporary stop in entitlement)—

(a) in paragraph (1), in the opening words for "regulation 36 (determination following a change of circumstances etc.)" substitute "these Regulations".

(b) after paragraph (1)(e) insert—

"(f) subject to regulation 7 (temporary absence from the common travel area), the individual is temporarily absent and no longer treated as present in the common travel area.",

(c) after paragraph (4)(b)(ii) insert—

"(iii) temporarily absent and no longer treated as present in the common travel area. ".

(15) In regulation 24(9)(1) (multiple applications involving the same cared for person) in paragraph (1) omit "Payment".

(16) After regulation 24 (multiple applications involving the same cared for person) insert—

"Multiple applications involving the same additional cared for person

24A.—(1) Where the Scottish Ministers are required under these Regulations to make a determination of the entitlement of two or more individuals to Carer Support in respect of the same additional cared for person, the Scottish Ministers must determine the application or notification made first before determining any other application or notification.

(2) Where, but for regulation 14B(7) (Carer Additional Person Payment), two or more individuals would be entitled to Carer Additional Person Payment in respect of the same additional cared for person for the same period, only one of them may be entitled, being either—

(a) one of them as they may jointly agree in accordance with paragraph (3), or

(b) in absence of such agreement, one of them as may be determined by the Scottish Ministers in accordance with paragraph (4).

(3) An agreement under paragraph (2)(a) is to be made by giving the Scottish Ministers a notice in writing signed by the individuals mentioned in paragraph (2) as the case may be, specifying one of them as the individual to be entitled to assistance.

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(4) When making a determination under paragraph (2)(b), the Scottish Ministers must have regard to factors including but not limited to—

(a) the best interests of the additional cared for person,

(b) whether any of the individuals mentioned in paragraph (3)—

(i) are family members of the additional cared for person,

(ii) live with or near the additional cared for person,

(iii) receive any benefits on behalf of, or as a result of their responsibility for, the additional cared for person.

(5) The Scottish Ministers may, having considered the factors set out in paragraph (4), make a determination without application that one of the individuals mentioned in paragraph (2), who has ongoing entitlement to Carer Additional Person Payment, is no longer entitled to Carer Support in respect of that additional cared for person.

(6) Where paragraph (2) applies at the same time as regulation 24(2), (3) or (4) (multiple applications involving the same cared for person), the Scottish Ministers must make a determination under regulation 24(2), (3) or (4) before making a determination under paragraph (3).".

(17) In regulation 27 (when a decrease in amount or cessation of entitlement takes effect)—

(a) in paragraph (1)—

(i) in the first place it occurs, for "Carer Support Payment" substitute "Carer Support",

(ii) for "Carer Support Payment ceases" substitute "a component is ceased".

(b) after paragraph (1)(a), insert —

"(ab) in the case of a decrease pursuant to a determination made under regulation 36(f) or 36(g) (determination following change of circumstances etc.), on the day after the day on which Carer's Allowance ceased to be paid in respect of the individual,".

(18) In regulation 28 (when an increase in amount of entitlement takes the effect)—

(a) in paragraph (1)—

(i) for "Carer Support Payment" substitute "Carer Support",

(ii) after "is increased" insert "or their entitlement to a component is awarded".

(b) in paragraph (1)(a) after "in the case of" insert "an award of entitlement to a component or",

(c) in paragraph (1)(a)(i)—

(i) after "requirements for" insert "an award of entitlement to a component or",

(ii) for "Carer Support Payment" substitute "Carer Support".

(d) after paragraph(1)(a), insert—

(i) "(ab) in the case of increase pursuant to a determination made under regulation 36(f) or 36(g) (determination following change of circumstances etc.) on the day after the day on which the individual's entitlement to Carer's Allowance ceased to be paid in respect of the individual,".

(19) In Part 6 (re-consideration of entitlement to Carer Support Payment: determination without application), before regulation 35 (consideration of entitlement after specified period) insert—

"Transfer from Carer Support Payment to Carer Support

34A.—(1) Schedule 1A makes provision about transferring from Carer Support Payment to Carer Support.".

(20) After schedule 1, insert schedule 1A as set out in schedule 1 in these Regulations.

(21) In regulation 36 (determination following change of circumstances etc.)—

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(a) in the opening words, for each occurrence of "Carer Support Payment" substitute "Carer Support",

(b) in sub-paragraph (b)—

(i) for "the amount of Carer Support Payment" substitute "the amount or the component of Carer Support",

(ii) at the end omit "Payment".

(c) in sub-paragraph (d), after "person" insert "or the additional cared for person",

(d) in sub-paragraph (e) —

(i) for head (i) substitute—

"(i) the date chosen by the individual is in accordance with regulation 18, 18A, 18B or 19,",

(ii) after head (ii), insert—

", and

(iii) the individual notifies the Scottish Ministers within 13 weeks of a determination of the application that an individual is entitled to Carer Support Payment unless the Scottish Ministers consider that the individual has good reason for not making a request within 13 weeks,".

(iii) in head (iii) omit "Payment"

(iv) in head (i) omit "18A, 18B"."

(e) after sub-paragraph (f) insert—

"(fa)of an alteration of the award of Carer Support Payment which the individual was entitled to immediately before the date of transfer to Carer Support in accordance with regulation 34A (determination without application of entitlement to Carer Support), as a result of a decision made under these Regulations as applied before 15 March 2026, pursuant to—

(i) a determination under regulation 24 (multiple applications involving the same cared for person)

(ii) a determination under regulation 35 (consideration of entitlement after specified period),

(iii) a determination under regulation 36 (determination following change of circumstances etc.),

(iv) a determination under regulation 37 (determination following official error – underpayments) or 38 (determination following error – overpayments) ,

(v) a determination under section 43 (duty to re-determine) of the 2018 Act,

(vi) a determination under section 49 (First-tier Tribunal's power to determine entitlement) of the 2018 Act, or

(vii) a decision pursuant to an appeal to the Upper Tribunal under section 47 of the Tribunals (Scotland) Act 2014(**a**),".

(22) For regulation 40 (temporary stops in care) substitute—

"Temporary stops in care

40.—(1) An award week in respect of which an individual fails to satisfy the requirement of regulation 5(2) (provision of care to a cared for person) is to be treated as an award week in respect of which that individual satisfies that requirement if—

(a) the individual only temporarily ceased to satisfy that requirement,

(**a**) 2014 asp 10.

(b) the conditions in paragraph (2) and (3) are met.

(2) The conditions referred to in paragraph (1) are that the individual has not failed to satisfy the requirement of regulation 5(2) (provision of care to a cared for person)—

(a) for a period of more than 12 weeks in the 26 weeks ending with the first week of the temporary stop in care, where—

(i) that individual was undergoing medical or other treatment as an in-patient in a hospital or similar institution, or

(ii) the cared for person was undergoing medical or other treatment as an in-patient in a hospital or similar institution, or

(b) for a period of more than 4 weeks in a period of 26 weeks ending with the first week of the temporary stop in care, where the temporary break in care is for any other reason.

(3) The condition referred to in paragraph (1) is that the individual has not failed to satisfy the requirement of regulation 5(2) (provision of care to a cared for person) for more than 12 weeks in the last 26 weeks.

(4) Regulation 14 (earnings limit) does not apply to an individual in respect of an award week mentioned in paragraph (1).

(5) Paragraph (1) applies to an individual who temporarily fails to satisfy the requirement of regulation 5(2) because they are in legal detention, provided the individual satisfies the requirements of this regulation.

(6) Paragraphs (1), (2), (3) and (5) apply to Carer Additional Person Payment with the following modifications—

(a) the references to "Carer Support Payment" are to be read as "Carer Additional Person Payment",

(b) the references to "cared for person" are to be read as "additional cared for person",

(c) the references to regulation "5(2)" are to be read as "14B(4)".".

(23) In regulation 41 (individuals in respect of whom Carer's Allowance is paid in another part of the United Kingdom immediately before moving to Scotland)—

(a) for paragraph (3) substitute—

"(3) Where an application is received by Scottish Ministers within 26 weeks of the date of the move entitlement to Carer Support begins—

(a) on the first day of the award week in which the individual's entitlement to Carer's Allowance ceased, or

(b) 15 March 2026,

whichever is later.".

(b) after paragraph (3) insert—

"(3A) Where paragraph (3) read with paragraph (5) applies, the value of the first payment of Carer Support to be given to the individual is to be increased by the value of Scottish Carer Supplement they would have been entitled to for each award week between—

(a) the date of the move, and

(b) the date their entitlement to Carer Support begins in terms of paragraph (3),

(3B) Where—

(a) paragraph (3) read with paragraph (5) applies, and

(b) the individual would have been entitled to Carer Additional Person Payment had their entitlement started at a date between—

(i) the date of the move, and

(ii) the date their entitlement to Carer Support begins in terms of paragraph (3),

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the value of the first payment of Carer Support to be given to the individual is to be increased by the value of Carer Additional Person Payment that they would have been entitled to for each award week between those dates.",

(c) in paragraph (6) for "(3)" substitute "(3)(a)".

(24) In regulation 41A (individuals in respect of whom Carer's Allowance was paid before 6 November 2025)—

(a) in paragraph (1)(b) after "Carer Support Payment" insert "or Carer Support",

(b) in paragraph (2) omit "Payment",

(c) for paragraph (3) substitute—

"(3) Where an application is received by the Scottish Ministers within 26 weeks of the date on which the Scottish Ministers become aware that the individual's previous entitlement to Carer's Allowance was not transferred to an entitlement to Carer Support Payment, entitlement to Carer Support begins on—

(a) the first day of the award week in which the individual's entitlement to Carer's Allowance ceased, or

(b) 15 March 2026,

whichever is later.",

(d) [after paragraph (3) insert—

"(3A) Where paragraph (3) read with paragraph (5) applies, the value of the first payment of Carer Support to be given to the individual is to be increased by the value of Scottish Carer Supplement they would have been entitled to for each award week between—

(a) 15 March 2026, and

(b) the date their entitlement to Carer Support begins in terms of paragraph (3),

(3B) Where—

(a) paragraph (3) read with paragraph (5) applies, and

(b) the individual would have been entitled to Carer Additional Person Payment had their entitlement started at a date between—

(i) 15 March 2026, and

(ii) the date their entitlement to Carer Support begins in terms of paragraph (3),

the value of the first payment of Carer Support to be given to the individual is to be increased by the value of Carer Additional Person Payment that they would have been entitled to for each award week between those dates.",]

(e) in paragraph (4) omit "Payment" in second place it occurs,

(f) in paragraph (6) for "(3)" substitute "(3)(a)".

(25) In regulation 41B (Individuals with current entitlement to Carer Support Payment in respect of whom Carer's Allowance was paid before 6 November 2025)—

(a) in the title omit "Payment",

(b) in paragraph (1)(b) for "has" substitute "had",

(c) in paragraph (1) (c) omit "Payment",

(d) for paragraph (2) substitute—

"(2) The Scottish Ministers must make a determination of an individual's entitlement to Carer Support, without receiving an application, where—

(a) they become aware that paragraph (1) applies to that individual, and

(b) that individual was not entitled to Carer Support Payment on 14 March 2026.".

(e) for paragraph (3) substitute—

"(3) Subject to paragraph (4), where a determination is made under paragraph (2) that an individual is entitled to Carer Support, their entitlement is to begin on—

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(a) the first day of the award week in which the individual's entitlement to Carer's Allowance ceased, or

(b) 15 March 2026,

whichever is later.",

(f) [after paragraph (3) insert—

"(3A) Where paragraph (3) applies, the value of the payment of Carer Support to be given to the individual is to be increased by the value of Scottish Carer Supplement they would have been entitled to for each award week between—

(a) 15 March 2026, and

(b) the date their entitlement to Carer Allowance ends.

(3B) Where—

(a) paragraph (3) applies, and

(b) the individual would have been entitled to Carer Additional Person Payment had their entitlement started at a date between—

(i) 15 March 2026, and

(ii) the date their entitlement to Carer Allowance ends,

the value of the payment of Carer Support to be given to the individual is to be increased by the value of Carer Additional Person Payment that they would have been entitled to for each award week between those dates.",]

(g) in paragraph (5) for "(3)" substitute "(3)(a)".

(26) In regulation 42 (individuals in respect of whom Carer Support Payment is paid at the time of moving to another part of the United Kingdom)—

(a) in paragraph (1) for "Where" substitute "Subject to paragraph (1A), where",

(b) after paragraph (1) insert—

"(1A) Where the cared for person dies within a period of 13 weeks referred to in paragraph (1), the individual is to be treated as though the individual meets the condition under regulation 6(1)(a) of being ordinarily resident in Scotland for a period of 8 award weeks after the first day of the award week following the award week in which the cared for person died, notwithstanding paragraph (1).".

(c) in paragraph (1A) for "8" substitute "12".

(d) for paragraph (3) substitute—

"(3) Where before the end of the 13-week period, the Scottish Ministers become aware that—

(a) the individual is no longer to move to become resident in another part of the United Kingdom, or

(b) the cared for person has died,

the duty in paragraph (2) does not apply."

(e) in paragraph (5), at the beginning insert "Except where paragraph (3) applies,".

PART 4

Consequential amendments

Consequential amendment

4. The amendments specified in schedule 2 have effect.

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PART 5

Revocation and saving provision

Revocation and saving provisions - the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023

5.—(1) Despite the revocations and amendments made by these regulations, the 2023 Regulations apply as they did before 15 March 2026—

(a) in respect of an individual's entitlement to Carer Support Payment for the period before that date, or

(b) for the purposes of determining on or after 15 March 2026 that the individual was entitled to Carer Support Payment in respect of a period before 15 March 2026, or

(c) subject to regulation 6 (new applications), any application for Carer Support Payment made before 15 March 2026 which has not been determined before that date.

(2) Despite the amendment by regulation 3(10) of these Regulations, regulation 16(4) (amount and form of Carer Support Payment) of the 2023 Regulations applies as it did prior to 15 March 2026 in respect of an individual who, on 14 March 2026, is in receipt of Carer Support Payment under regulation 16(4).

(3) Despite the amendment by regulation 3(5) of these Regulations, where, prior to 15 March 2026 the Scottish Ministers have made a decision to suspend the individual's Carer Support Payment in accordance with regulation 29 of the 2023 Regulations and that suspension has not ended, regulations 29, 30, 31, 32, 33 and 34 of the 2023 Regulations apply as they did prior to 15 March 2026.

(4) Despite the amendment by regulation 3(25) of these Regulations, regulation 41B (individuals with entitlement to Carer Support Payment in respect of whom Carer's Allowance was paid before 6 November 2025) applies as it did before 15 March 2026 where—

(a) the Scottish Ministers become aware that paragraph (1) applies to the individual before 15 March 2026,

(b) that individual had continuing entitlement to Carer Support Payment before that date and their entitlement transferred to Carer Support under regulation 34A (transfer from Carer Support Payment to Carer Support) and schedule 1A of the 2023 Regulations.

(5) Despite the amendment by regulation 3(26) of these Regulations, regulation 42 (individuals in respect of whom Carer Support Payment is paid at the time of moving to another part of the United Kingdom) applies as it did before 15 March in respect of an individual who moved to become resident in other part of the United Kingdom before 15 March 2026.

(6) Except where paragraph (7) applies, the following provisions of the 2023 Regulations are revoked—

(a) regulation 18A (entitlement beginning before individual satisfied the residence requirements in regulation 46),

(b) regulation 18B (entitlement beginning before individual satisfied residence requirements in regulation 46 – individuals in education mentioned in regulation 13(2)),

(c) regulation 20 (entitlement beginning before the commencement of these Regulations),

(d) regulation 21 (amount and form of Carer Support Payment where payments are backdated),

(e) Part 1A of schedule 1 (relevant date).

(7) Despite the revocations in paragraph (6)(c) and (d), regulation 20 and 21 continue to have effect on and after 15 March 2026, where on or after 15 March 2026, it is determined under regulation 19 (applications made within 13 weeks of a qualifying disability benefit decision) as applied before that date that that an individual's entitlement to Carer Support Payment would begin on a date before 19 November 2023.

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PART 6

Transitional provision

New applications

6.—(1) This paragraph applies where—

(a) an application for Carer Support Payment was made before 15 March 2026,

(b) an individual does not satisfy the eligibility requirements set out in Part 3—

(i) on the day the application is treated as made in accordance with regulation 18 (when an application is to be treated as made and beginning of entitlement to assistance), and

(ii) on any day before 15 March 2026,

(c) it appears to Scottish Ministers that the individual would likely be entitled to receive Carer Support on a later date on or after 15 March 2026, and

(d) that later date is no more than 13 weeks after the day on which their 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).

(2) Where paragraph (1) applies the Scottish Ministers may determine that the individual is entitled to Carer Support at that later date.

Obligation to provide information on request

7. A request for information under section 54 of the 2018 Act made before 15 March 2026 in respect of a determination of entitlement to Carer Support Payment, is also to be treated on or after that date, as a request for information in relation to a determination of entitlement to Carer Support.

Temporary absence from the common travel area

8.—(1) Where an individual has been awarded Carer Support and they are treated as present in the common travel area under regulation 7 (temporary absence from the common travel area) as amended on 15 March 2026, any period of absence from the common travel area immediately preceding that date is be counted towards the period of absence referred to in regulation 7.

Beginning of entitlement to assistance

9.—(1) The Scottish Ministers are to make a determination of the individual's entitlement to Carer Support Payment as applied before 15 March 2026 where—

(a) 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 in accordance with regulation 18(2)(a), (b) or (c), and

(b) that date chosen by the individual is before 15 March 2026.

(2) Where paragraph (1) applies, the individual's entitlement to assistance begins in accordance with regulation 18(2) and (3) as applied before 15 March 2026 and ends on 14 March 2026.

(3) The Scottish Ministers are to make a determination of the individual's entitlement to Carer Support Payment as applied before 15 March 2026 where—

(a) an individual makes an application for Carer Support in respect of a cared for person within 13 weeks of a relevant qualifying disability benefit decision under regulation 19 (applications made within 13 weeks of a qualifying disability benefit decision), and

(b) entitlement to that qualifying disability benefit begins before 15 March.

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(4) Where paragraph (3) applies, the individual's entitlement to assistance begins in accordance with regulation 19 as applied before 15 March 2026 and ends on 14 March 2026.

Temporary stop in entitlement

10.—(1) Regulation 23(2) (temporary stops in entitlement) applies, where the Scottish Ministers have made a determination without application under the 2023 Regulations as they applied before 15 March 2026 that an individual is no longer entitled to Carer Support Payment in circumstances set out in paragraph (1)(a) to (e) as applied before 15 March 2026.

(2) Regulation 23(8) applies, where the Scottish Ministers have made a determination under regulation 23(5) as applied before 15 March 2026.

Multiple applications involving the same cared for person

11. Regulation 24 (multiple applications involving the same cared for person) applies where the Scottish Ministers receive two or more applications for Carer Support Payment before 15 March 2026 and Carer Support from different individuals in respect of the same cared for person.

Form of payment – giving Carer Support Payment by way of deduction

12. Carer Support may be given (in whole or in part) by way of deduction, where on 14 March 2026 Carer Support Payment was given by way of deduction under regulation 26 (form of payment – giving Carer Support Payment by way of deduction).

Individuals in respect of whom Carer's Allowance is paid in another part of the United Kingdom immediately before moving to Scotland

13.—(1) Regulation 41 applies where—

(a) an individual becomes resident in Scotland before 15 March 2026,

(b) that individual's entitlement to Carer's Allowance ceased before that date, and

(c) the individual makes an application for Carer Support within 26 weeks of the date of the move.

(2) Where paragraph (1) applies, the Scottish Ministers must make a determination of an individual's entitlement to Carer Support Payment, without receiving an application, for the period—

(a) starting on the first day of the award week in which the individual's entitlement to Carer's Allowance ceased, and

(b) ending on 14 March.

(3) This paragraph applies where—

(a) an individual to whom regulation 41(1) applies as it did prior to 15 March 2026,

(b) an individual does not satisfy the eligibility requirements set out in Part 3—

(i) on the day the application received, and

(ii) on any day before 15 March 2026, and

(c) it appears to Scottish Ministers that the individual would likely be entitled to receive Carer Support on the later date on or after 15 March 2026, and

(d) that later date is no more than 13 weeks after the day on which their 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).

(4) Where paragraph (3) applies, the Scottish Ministers may determine that the individual is entitled to Carer Support at that later date.

(5) For the purposes of paragraph (1), "date of the move" is as defined in regulation 41(7) of the 2023 Regulations.

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(6) For the purposes of paragraph (2), "award week" is as defined in regulation 41(6) of the 2023 Regulations.

Individuals in respect of whom Carer's Allowance was paid before 6 November 2025

14.—(1) Regulation 41A applies where—

(a) the Scottish Ministers become aware before 15 March 2026 that the individual's previous entitlement to Carer's Allowance was not transferred to an entitlement to Carer Support Payment, and

(b) the individual applies for Carer Support.

(2) This paragraph applies where—

(a) an application for Carer Support is received by the Scottish Ministers within the period described in regulation 41A(3) read with paragraph (5), and

(b) the individual entitlement to Carer's Allowance ceased before 15 March.

(3) Where paragraph (2) applies, the Scottish Ministers make a determination a determination of an individual's entitlement to Carer Support Payment as applied before 15 March 2026, without receiving an application, for the period—

(a) starting on the first day of the award week in which the individual's entitlement to Carer's Allowance ceased, and

(b) ending on 14 March.

(4) Where the individual—

(a) does not satisfy the eligibility requirements set out in Part 3 of the 2023 Regulations as applied before 15 March 2026 on the date referred to in paragraph (3), and

(b) will satisfy those requirements on a date within 13 weeks of the date referred to in paragraph (3),

their entitlement will begin on the first day of the award week in which they will satisfy those requirements.

(5) For the purposes of paragraph (3)(a), "award week" is as defined in regulation 41A(6) of the 2023 Regulations.

Individuals with entitlement to Carer Support in respect of whom Carer's Allowance was paid before 6 November 2025

15.—(1) The Scottish Ministers must make a determination of an individual's entitlement to Carer Support Payment as applied before 15 March 2026, without receiving an application, where—

(a) they become aware that paragraph 41B(1) applies to that individual, and

(b) the individual entitlement to Carer's Allowance ceased before 15 March.

(2) Subject to paragraph (3), where a determination is made under paragraph (1) that an individual is entitled to Carer Support Payment as applied before 15 March 2026, their entitlement is to begin on the first day of the award week in which the individual's entitlement to Carer's Allowance ceased.

(3) Where the individual—

(a) does not satisfy the eligibility requirements set out in Part 3 of the 2023 Regulations as applied before 15 March 2026 on the date referred to in paragraph (3), and

(b) will satisfy those requirements on a date within 13 weeks of the date referred to in paragraph (3),

their entitlement will begin on the first day of the award week in which they will satisfy those requirements.

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(4) For the purposes of paragraph (2) and (3), the "award week" is as defined in regulation 41B(5) of the 2023 Regulations.

Section 81 of the 2018 Act

16.—(1) Despite paragraph 2 of schedule 2, section 81 of the 2018 Act continues to have effect on and after 15 March 2026 as it had effect before that date insofar as it applies in relation to an individual who is entitled to Carer Support Payment under regulation 16(4) (amount and form of Carer Support Payment) or 42 (individuals in respect of whom Carer Support Payment is paid at the time of moving to another part of the United Kingdom) on 14 March 2026.

SCHEDULE 1

Regulation 3(19)

"SCHEDULE 1A

Regulation 34A

Determination without application of entitlement to Carer Support

Determination without application of entitlement to Carer Support

1.—(1) Subject to paragraph 2(1), the Scottish Ministers must make a determination of an individual's entitlement to Carer Support, without receiving application where—

(a) the individual has an ongoing entitlement to Carer Support Payment on 14 March 2026, or

(b) on or after 15 March 2026, it is determined that the individual was entitled to Carer Support Payment in respect of 14 March 2026.

(2) Entitlement to Carer Support under a determination under sub-paragraph (1) begins on 15 March 2026.

(3) Subject to sub-paragraph (4), the determination under sub-paragraph (1) is to be made on the basis of—

(a) such information available to the Scottish Ministers in respect of the latest determination of the individual's entitlement to Carer Support Payment relating to 14 March 2026, and

(b) any other information available to the Scottish Ministers that appears to them to be relevant.

(4) A determination under sub-paragraph (1) does not need to be made on the basis of the information mentioned in sub-paragraph (3)(b) where—

(a) the individual before a determination is made under sub-paragraph (1) reported a change of circumstances to the Scottish Ministers, which had not been taken into account in the latest determination of the individual's entitlement to Carer Support Payment, or

(b) the Scottish Ministers before a determination is made under sub-paragraph (1) received information in relation to the individual's entitlement to Carer Support Payment which had not been taken into account in the latest determination of their entitlement to Carer Support Payment, and

(c) following a determination under sub-paragraph (1) a further determination is to be made under paragraph 4.

(5) A determination under sub-paragraph (1)—

(a) may be made on the assumption that whatever can be discerned about the individual's circumstances from the information mentioned in sub-paragraph (3) remains accurate on the date on which the determination is made.

Draft

(b) may be made on the assumption that the individual does not satisfy the requirement of regulation 14B(1)(b).

Exceptions to paragraph 1(1)

2.—(1) The duty on the Scottish Ministers to make a determination without application mentioned in paragraph 1(1) does not apply where—

(a) an individual cares for a cared for person who died on or before 14 March 2026 and they were entitled to Carer Support Payment under regulation 16(4) (amount and form of Carer Support Payment) on or before that date,

(b) an individual is treated as being ordinarily resident in Scotland under regulation 42(1) (individuals in respect of who Carer Support Payment is paid at the time of moving to another part of the United Kingdom) on or before 14 March 2026, or

(c) subject to paragraph 3, the Scottish Ministers have made a decision under regulation 29 of these Regulations on or before 14 March 2026 to suspend an individual's Carer Support Payment and the period of that suspension has not ended.

Suspensions

3.—(1) The Scottish Ministers must make a determination of an individual's entitlement to Carer Support, without receiving application, where—

(a) they make a decision to end a suspension under regulation 33 (ending suspension) as applied before 15 March 2026, and

(b) an individual has an ongoing entitlement to Carer Support Payment on 14 March 2026.

Review determination

4.—(1) The Scottish Ministers must make a determination of an individual's entitlement to Carer Support, without receiving an application, where—

(a) the individual before a determination under paragraph 1(1) is made reported a change of circumstances to the Scottish Ministers, which had not been taken into account for the individual's entitlement to Carer Support,

(b) the Scottish Ministers—

(i) before a determination is made under sub-paragraph (1) received information in relation to the individual's entitlement to Carer Support Payment which had not been taken into account in the latest determination of their entitlement to Carer Support Payment, or

(ii) become aware that on 15 March 2026, the individual would have met the condition in regulation 14B(1) (Carer Additional Person Payment) on that date,

(c) the Scottish Ministers have made a determination under paragraph 1(1), and

(d) the individual has not requested a re-determination under section 41 of the 2018 Act, or an appeal under section 46 of the 2018 Act, in relation to the determination under paragraph 1(1).

(2) The determination under sub-paragraph (1) is to be made as soon as reasonably practicable after the determination under paragraph 1(1).

(3) The information under paragraph 1(4) is to be taken into account by the Scottish Ministers in making a determination under sub-paragraph (1).

(4) Where an individual's entitlement to Carer Support is determined in the review determination to be at a higher rate than the determination under paragraph 1(1), entitlement will begin on the first day of the award week in which —

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(a) the individual first satisfies the requirements for an increased amount of Carer Support —

(i) where the individual reports the change within 13 weeks of the change occurring,

(ii) provides information that they would have met the condition in regulation 14B(1) on 15 March 2026 within 13 weeks of the determination under 1(1), or

(iii) where the individual reports the change or provides the information they would have met the condition in regulation 14B(1) on 15 March 2026 more than 13 weeks after the change occurring, but only if the Scottish Ministers consider that the individual has good reason for not reporting the change within 13 weeks, or

(b) in any other case, the individual reports the change or provides information.

(5) If the date under sub-paragraph 4 is before these Regulations come into force, the date that these Regulations come into force.

(6) Where an individual's entitlement to Carer Support is determined in the review determination to be at a lower rate than or at the same rate as awarded by the determination under paragraph 1, entitlement under the review determination will take effect on the first day of the award week following the award week in which—

(a) the individual should have notified the Scottish Ministers of the change, where the individual was required to notify a change under section 56 of the 2018 Act, if the individual—

(i) knowingly fails to notify a change, or

(ii) fails to notify the change as soon as reasonably practicable after it occurred, or

(b) the Scottish Ministers make a review determination.

(7) Where the Scottish Ministers consider that in all the circumstances it would be unjust not to do so, they may, when making their determination, set a later date for the purposes of sub-paragraph (6).

(8) Where an individual has previously received Carer Support for a period and a determination without application is subsequently been made under sub-paragraph (1) that the individual is entitled to Carer Support at a higher rate for that period by virtue of this paragraph, the individual will be entitled to the difference between the value of entitlement to Carer Support under the subsequent determination and the value of Carer Support to which that individual was previously entitled for that period.

SCHEDULE 2

Regulation 4

Consequential amendment

Amendment of the Social Security Contributions and Benefits Act 1992

1.—(1) The Social Security Contributions and Benefits Act 1992 is amended in accordance with paragraph (2).

(2) In section 70(7B) (Carer's allowance)(**a**) for "carer's assistance" substitute "the Carer Support Payment component of Carer Support".

(**a**) Section 70(7B) was inserted by the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023 (Consequential Modifications) Order 2023 (S.I. 2023/1214).

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Amendment of the Social Security (Scotland) Act 2018

2.—(1) Section 81 of the 2018 Act is amended in accordance with paragraphs (2) to (5).

(2) In subsection (2), for paragraph (a) and the word "and" immediately following it, substitute—

"(a) in receipt of a carer's allowance under section 70 of the Social Security and Benefits Act 1992 by virtue of article 4 (transitional provision) of the Regulatory Reform (Carer's Allowance) Order 2002(**a**), and".

(3) In subsection (9)(a)—

(a) before "in receipt" insert the word "was",

(b) sub-paragraph (ii) and the word "or" immediately preceding it are repealed.

(4) In subsection (11)(a)—

(a) before "in receipt" insert the word "was",

(b) sub-paragraph (ii) and the word "or" immediately preceding it are repealed.

(5) In subsection (13)(a)—

(a) before "in receipt" insert the word "was",

(b) sub-paragraph (ii) and the word "or" immediately preceding it are repealed.

Amendment of the Social Security (Invalid Care Allowance) Regulations 1976

3.—(1) The Social Security (Invalid Care Allowance) Regulations 1976(**b**) are amended in accordance with paragraph (2).

(2) In regulation 7(4) (manner of electing the person entitled to a carer's allowance in respect of a severely disabled person where more than one person would be entitled) for "a payment made" substitute "the Carer Support Payment component of Carer Support".

Amendment of the National Assistance (Assessment of Resources) Regulations 1992

4.—(1) The National Assistance (Assessment of Resources) Regulations 1992(**c**) are amended in accordance with paragraph (2).

(2) In regulation 2(1) (interpretation) in the definition of "carer support payment" omit "payment".

(3) In paragraph 2(3) of schedule 2 (sums to be disregarded in the calculation of earnings) omit "Payment".

Amendment of the Advice and Assistance (Scotland) Regulations 1996

5.—(1) The Advice and Assistance (Scotland) Regulations 1996(**d**) are amended in accordance with paragraphs (2) to (4).

(2) In regulation 2(1) (interpretation) in the definition of "carer support payment" omit "payment".

(3) In regulation 16(2)(cd) (payment of fees and outlays from property recovered or preserved) omit "payment".

(4) In paragraph (5)(d)(aze) of schedule 2 (assessment of disposable capital and disposable income) omit "payment".

(**a**) S.I. 2002/1457.
(**b**) S.I. 1976/409, relevantly amended by S.S.I. 2023/258.
(**c**) S.I. 1992/2977, relevantly amended by S.S.I. 2023/258.
(**d**) S.I. 1996/2477, relevantly amended by S.S.I. 2023/258.

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Amendment of the Civil Legal Aid (Scotland) Regulations 2002

6.—(1) The Civil Legal Aid (Scotland) Regulations 2002(**a**) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(1) (interpretation) in the definition of "carer support payment" omit "payment".

(3) In regulation 33(a)(xxv) (payments out of property recovered or preserved: exceptions) for "a carer support payment" substitute "Carer Support".

(4) In paragraph 7(o) of schedule 2 (rules for computing disposable income) omit "payment".

(5) In paragraph (8)(k) of schedule 3 (rules for computing disposable capital) omit "payment".

Amendment of the Individual Learning Account (Scotland) Regulations 2011

7.—(1) The Individual Learning Account (Scotland) Regulations 2011(**b**) are amended in accordance with paragraph (2).

(2) In regulation 3(6)(b)(iiia) (qualifying persons (training account holders)) after "payment" insert "component of Carer Support".

Amendment of the Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012

8.—(1) The Council Tax Reduction (State Pension Credit) (Scotland) Regulations 2012(**c**) are amended in accordance with paragraphs (2) and (5).

(2) In regulation (2)(1) (interpretation) in the definition of "carer support payment" for "carer's assistance" substitute "the Carer Support Payment component of Carer Support".

(3) In regulation 27(1)(j) (meaning of "income")

(a) after head (xxi) insert—

"(xxia) the Carer Additional Person Payment component of Carer Support given under section 28 and schedule 2 of the Social Security (Scotland) Act 2018,

(xxib) the Scottish Carer Supplement component of Carer Support given under section 28 and schedule 2 of the Social Security (Scotland) Act 2018".

(4) In schedule 1 (applicable amount)—

(a) in paragraph 6(1)(ab) for "16" substitute "16(2)".

(b) in paragraph 10—

(i) in sub-paragraph (2)(a) omit "carer support payment",

(ii) after sub-paragraph (2) insert—

"(2A) Where a carer premium has been awarded but the person in respect of whose care the carer support payment has been awarded dies, the condition for the award of the premium is be treated as satisfied for a period of—

(a) 8 weeks from the relevant date specified in sub-paragraph (3) where that person died before 15 March 2026,

(b) 12 weeks from the relevant date specified in sub-paragraph (3) where that person died on or after 15 March 2026.".

(iii) in sub-paragraph (3) in the opening words, after "(2)" insert "and (2A)"

(iv) in sub-paragraph (3)(a) after "(2)(a)" insert "or (2A)".

(5) In paragraph 21(2) of schedule 4 (capital disregards) after head (r) insert—

(**a**) S.S.I. 2002/494, relevantly amended by S.S.I. 2023/313 and S.S.I. 2024/178.
(**b**) S.S.I. 2011/107 as relevantly amended by S.S.I. 2023/258.
(**c**) S.S.I. 2012/319, relevantly amended by S.S.I. 2018/1211, S.S.I. 2018/295, S.S.I. 2020/413, S.S.I. 2023/258.

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"(s) the Carer Additional Person Payment component of Carer Support given under section 28 and schedule 2 of the Social Security (Scotland) Act 2018,

(t) the Scottish Carer Supplement component of Carer Support given under section 28 and schedule 2 of the Social Security (Scotland) Act 2018,".

Amendment of the Children's Legal Assistance (Scotland) Regulations 2013

9.—(1) The Children's Legal Assistance (Scotland) Regulations 2013(**a**) are amended in accordance with paragraph (2) to (4).

(2) In regulation (2)(1) (interpretation) in the definition of "carer support payment" omit "payment".

(3) In paragraph 5(q) of schedule 1 (assessment of disposable income for the purposes of children's legal aid) for "any carer support payment" substitute "carer support".

(4) In paragraph 8(k) of schedule 2 (assessment of disposable capital for the purposes of children's legal aid) for "any carer support payment" substitute "carer support".

Amendment to the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019

10.—(1) The Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019(**b**) are amended in accordance with paragraph (2).

(2) In regulation 6(3)(a) after "Carer Support Payment" insert "component of Carer Support".

Amendment of the Council Tax Reduction (Scotland) Regulations 2021

11.—(1) The Council Tax Reduction (Scotland) Regulations 2021(**c**) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 4(1) in the definition of "carer support payment" for "carer's assistance" substitute "the Carer Support Payment component of Carer Support".

(3) In schedule 1 (applicable amount)—

(a) in paragraph 5(1) for "(8)" substitute "(10)",

(b) in paragraph 5(4)(c) after "16" insert "(2)",

(c) in paragraph 5(5) at the end insert "or, if longer, the period for which the person continues to be entitled to carer support payment.",

(d) in paragraph 5(6)(a) omit "carer support payment",

(e) after paragraph 5(6) insert—

"(6A) Where a carer premium is awarded to a person other than a person described in sub-paragraph (5), but the person in respect of whose care the carer support payment has been awarded dies, the condition for the award of the premium is to be treated as satisfied for a period of—

(a) 8 weeks from the relevant date specified in sub-paragraph (7) where that person died on or before 14 March 2026

(b) 12 weeks from the relevant date specified in sub-paragraph (7) where that person died on or after 15 March 2026".

(f) in paragraph 5(7)—

(i) in the opening words after "(6)" insert "and (6A)",

(ii) in sub-paragraph (a) after "(6)(a)" insert "or (6A)".

(**a**) S.S.I. 2013/200, relevantly amended by S.S.I. 2023/313 and S.S.I. 2024/178.
(**b**) S.S.I. 2019/324, relevantly amended by S.S.I. 2023/258.
(**c**) S.S.I. 2021/249, relevantly amended by S.S.I. 2023/258.

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(g) in paragraph 5(8)(a) before "the person" insert "except where sub-paragraph (9) and (10) apply,",

(h) after paragraph 5(8) insert—

"(9) This sub-paragraph applies where, the person in respect of whose care the carer support payment has been awarded dies on or after 15 March 2026.

(10) Where a person who has had regular and substantial caring responsibilities for a severely disabled person ceases to have such caring responsibilities and makes an application for council tax reduction, the condition for the award of the carer premium is to be treated as satisfied for a period of 12 weeks from the date on which the person in respect of whom the person had such caring responsibilities dies, where that brought the caring responsibilities to an end.".

(i) in paragraph 6(2)(b) for "5(5) and (6)" substitute "5(5), (6) and (6A)",

(4) In paragraph 6(1)(a) of schedule 3 (sums to be disregarded in the calculation of earnings) for "5(5) or (6)" substitute "5(5), (6) or (6A)(a)",

(5) In paragraph 24 of schedule 4 (capital to be disregarded) after sub-paragraph (c) insert—

"(d) the Carer Additional Person Payment component of Carer Support given by virtue of regulations under section 28,

(e) the Scottish Carer Supplement component of Carer Support given by virtue of regulations under section 28.".

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023 ("the principal Regulations") and make consequential, revocation, transitional and saving provision in connection with the introduction of Carer Support consisting of three components Carer Support Payment, Carer Additional Person Payment and Scottish Carer Supplement. These Regulations also make miscellaneous amendment to the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019 and the principal Regulations.

Part 2 makes amendments to the Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019 to provide for the extension of eligibility for Young Carer Grant to 19-year-olds.

Part 3 provides an overview of arrangements for payment of Carer Support. It makes provision for the Carer Additional Person Payment and the Scottish Carer Supplement. New regulation 14A and 14B inserted by regulation 3(9) outline the eligibility rules for these two new components of Carer Support. It also provides that a new Carer Additional Person Payment, Scottish Carer Supplement are to be paid alongside Carer Support Payment as part of an award of Carer Support and as such these Regulations make provision in connection with the amendment of the pre-existing statutory framework for carer's assistance in Scotland and clarify how the rules in the principal Regulations will apply to Carer Support and each component.

These Regulations also make miscellaneous amendments to the principal Regulations:

- extend the period a carer continues to get support after the death of a cared for person from 8 to 12 weeks,
- remove the requirements for carers to have been providing care for at least 14 or 22 of the past 26 weeks to become entitled to continue to be paid during a temporary break in care,

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- provide for carers who are temporarily absent from the common travel area, to be treated as present in the common travel area, where that absence is for the specific purpose of caring for the additional cared for person,
- allow carers whose entitlement ended as as a result of them being absent and longer treated as present in the common travel area to receive a determination without an application of their entitlement to carer's assistance if they satisfy the eligibility criteria under Part 3 of the Regulations within 26 weeks of the decision to end their entielement,
- provide that an individual is not entitled to Carer Support Payment in any award week in which their earnings in respect of the immediately preceding week exceeded the threshold,provide where a person receiving Carer's Allowance moves to Scotland from another part of the United Kingdom, and applies for Carer Support within a specified time, their entitlement can be backdated to when their Carer's Allowance entitlement ends and they can receive the payment equivalent to the value of Carer Additional Person Payment and Scottish Carer Supplement,
- make other minor amendments to the principal Regulations.

Regulation 34A and schedule 1A make provision to transfer individuals who meet the eligibility criteria for Carer Support Payment to become entitled to Carer Support by making a determination without application. Schedule 1A includes provisions to make a further determination for an individual in certain circumstances, address changes of circumstances and when an increase or decrease of entitlement takes effect.

Part 4 and the schedule 2 make provision for consequential amendments to primary and secondary legislation in connection with the introduction of Carer Support and the extension of the period Carer Support continues to be paid after the death of a cared for person. The amendments ensure that individuals who are entitled to Carer Support consisting of three components have the same entitlements and disregards under that legislation as individuals who are entitled to Carer Support Payment before 15 March 2026. Paragraph 2 of schedule 2 amends section 81 of the 2018 Act to remove entitlement to the Carer's Allowance Supplement for those in receipt of Carer Support Payment as a consequence of the introduction of Scottish Carer Supplement which replaces the Carer's Allowance Supplement currently paid under section 81 of the Social Security (Scotland) Act 2018 for those in receipt of Carer Support Payment. Entitlement to Carer's Allowance Supplement will continue for individuals who are currently entitled to Carer's Allowance due to transitional protection and those in receipt of Carer's Allowance outside the United Kingdom.

Part 5 makes revocation and saving provision.

Part 6 makes transitional provision.

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POLICY NOTE

THE CARER'S ASSISTANCE (YOUNG CARER GRANT AND CARER SUPPORT PAYMENT) (MISCELLANEOUS AMENDMENT AND SAVING PROVISION) (SCOTLAND) REGULATIONS 2025

SSI 2025/XXX

The above instrument will, if approved by the Scottish Parliament, be made in exercise of the powers conferred by sections 28(2), 41(4)(a), 43(5), 51(1), 52, 81(8) and 95 of the Social Security (Scotland) Act 2018**a** and all other powers enabling them to do so.

The instrument is subject to the affirmative procedure.

Summary Box

This instrument amends The Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023 ('the principal regulations') in order to make a series of improvements to Carer Support Payment, which is a form of assistance for people providing regular and substantial care to another individual who normally receives a certain rate of disability assistance. This includes making provision for a new Carer Additional Person Payment and Scottish Carer Supplement to be paid alongside Carer Support Payment as part of an overall award of Carer Support. The Scottish Carer Supplement will replace, for most carers, the Carer's Allowance Supplement currently paid under section 81 of the Social Security (Scotland) Act 2018.

This instrument also amends provision in the principal regulations to:

- extend the period a carer continues to get support after the death of a cared for person from 8 to 12 weeks
- remove the requirements for carers to have provided care for a certain period before they can continue to get support through Carer Support Payment when they have a temporary break from caring
- introduce a new 'determination without application' power to award Carer Support to carers already in receipt of Carer Support Payment on the coming into force date of these amendment regulations
- amends provisions in relation to cross-border moves from Scotland to the rest of the UK and vice versa
- update rules on absence from the Common Travel Area to account for the introduction of Carer Additional Person Payment
- correct an error identified in the principal regulations in relation to how a carer's earnings affect their entitlement to Carer Support Payment
- makes savings, revocation and transitional provisions

a https://www.legislation.gov.uk/asp/2018/9/contents/enacted

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- amendments consequential to this instrument.
- make other minor amendments.

Amendments are also being made to The Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019 to extend eligibility for Young Carer Grant to 19-year olds, to section 81 of the Social Security Scotland Act 2018 to remove entitlement to Carer's Allowance Supplement for carers in receipt of Carer Support Payment and those in receipt of Carer's Allowance except in certain circumstances (given the completion of case transfer and the introduction of the Scottish Carer Supplement) and to other legislation to make amendments consequential to this instrument.

Policy Objectives

Carer Support Payment is intended to improve outcomes for unpaid carers by providing financial assistance to those providing regular and substantial care to someone in receipt of a qualifying disability benefit. Carer Support Payment is an income-replacement benefit in recognition of the impact of caring on carers' ability to earn income through paid work. It is also intended to provide recognition of the vital caring role being provided, and the wider impact of this on carers, and to help support carers to access opportunities outside of caring.

The principal regulations for Carer Support Payment, setting out eligibility criteria for the benefit which has replaced Carer's Allowance in Scotland, came into force on 19 November 2023. Carer Support Payment has been available for new applications across the whole of Scotland since 4 November 2024. The principal regulations also provided for a 'case transfer' process which transferred the benefits of Carer's Allowance clients, from the Department for Work and Pensions (DWP) to Carer Support Payment administered by Social Security Scotland. This process began in February 2024 and completed in Summer 2025.

This instrument makes provision to deliver a series of priority improvements that the Scottish Government committed to bring forward once Carer Support Payment was available nationally and case transfer from Carer's Allowance was complete. This includes new extra support for those receiving the benefit and caring for more than one person ('the Carer Additional Person Payment'), and extended support for carers after the loss of the person for whom they care. It also makes provision for the Scottish Carer Supplement which replaces, for most carers, the Carer's Allowance Supplement currently paid under section 81 of the Social Security (Scotland) Act 2018.

This instrument also:

- provides for Scottish Ministers to award Carer Support to carers already in receipt of Carer Support Payment without the need for them to re-apply
- amends provision in the principal regulations to remove the requirement for carers to have cared for a certain period before they

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can continue to get support when they have a temporary break from caring

- amends The Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019 to extend eligibility to Young Carer Grant to 19-year olds
- amends section 81 of the Social Security Scotland Act 2018 to remove ongoing entitlement to Carer's Allowance Supplement for carers in receipt of Carer Support Payment, given the introduction of the Scottish Carer Supplement
- corrects an error identified in the principal regulations in relation to how a carer's earnings affect their entitlement to Carer Support Payment and amends provisions in relation to cross-border moves from Scotland to the rest of the UK and vice versa, including provision for a 13-week run-on of Carer Support when a carer moves from Scotland to the rest of the UK and an "uplift" payment of Scottish Carer Supplement and Carer Additional Person Payment, if appropriate, when a carer moves to Scotland and applies for Carer Support after receiving the Carer's Allowance cross-border run-on
- makes savings, revocation and transitional provisions
- makes amendments consequential to this instrument
- makes other minor amendments to the principal regulations.

Carer Support

To make provision for a new Carer Additional Person Payment, and for the Scottish Carer Supplement to be applied for and paid alongside Carer Support Payment, this instrument makes changes to the principal regulations so that all three can be awarded as separate components of an overall award of 'Carer Support'. The amendments also clarify the way in which the rules in the principal regulations will apply to Carer Support and each of its three constituent components. This is intended to simplify the application, determination, change of circumstances, any re-determination and appeals, and payment processes – both for the carer and for Social Security Scotland.

Carer Additional Person Payment

Regulation 3(10) provides for regulation 14B to be inserted into the principal regulations to provide for the introduction of the Carer Additional Person Payment. This is a recognition payment of £10 per week paid to a carer for each additional person for whom they care, for every award week in which Carer Support Payment is payable. Carer Additional Person Payment is a payment for carers who care for more than one person and in recognition that these carers face greater impacts on their health, wellbeing and ability to work and access other opportunities.

There can only be one award of Carer Additional Person Payment for an additional cared for person. The additional cared for person must be in receipt

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of a qualifying disability benefit, and the carer must be caring for them for at least 20 hours per week. This care can be carried out concurrently with care for the person for whom the carer is entitled to Carer Support Payment, or any other additional cared for persons. The qualifying disability benefits that the additional cared for people must be in receipt of for the carer to be eligible for Carer Additional Person Payment mirror the qualifying disability benefits for Carer Support Payment.

Application of rules on absence from the Common Travel Area to Carer Additional Person Payment

Regulation 3(8) amends Regulation 7 of the principal regulations to provide for a carer to be treated as present in the Common Travel Area (CTA) where they are away with the additional cared for person for whom they claim Carer Additional Person Payment, in connection with their medical treatment, provided that the cared for person continues to be paid a qualifying disability benefit. This amendment would align Carer Additional Person Payment rules with existing Carer Support Payment rules.

Amendments are also made to Regulation 23 of the principal regulations which provide for ‘temporary stops in entitlement’. These would mean that where a carer’s award is ended as result of them being absent and no longer treated as present in the CTA, and they return to the CTA within 26 weeks of their award ending, a determination without application to determine eligibility for Carer Supprt can be made without the need for a new Carer Support application. This would allow the Carer Support award to be reinstated so long as the carer meets the eligibility conditions in Part 3 of the principal regulations.

Extension of the period support continues to be paid after the death of a cared for person

Regulation 3(11) amends regulation 16(4) of the principal regulations, which provides for an 8-week run on of Carer Support Payment following the death of the person being cared for. The amendment provides fora longer 12-week ‘run-on' of support after the death of a cared for person and extends the run-on to cover all 3 components of Carer Support. Regulation 16(4A) also applies a separate run-on following the death of any additional cared for person(s) for whom the carer receives Carer Additional Person Payment within a Carer Support award. These amendments are intended to allow the carer more time to adjust following the loss of a cared for person within the award and provide further financial support for carers at this time.

Scottish Carer Supplement

Regulation 3(10) makes provision to insert regulation 14A into the principal regulations to provide for Scottish Carer Supplement. This will replace Carer’s Allowance Supplement for carers in receipt of Carer Support Payment. Carer's Allowance Supplement was introduced by section 81 of the Social

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Security (Scotland) Act 2018 as a temporary measure until the Scottish replacement for Carer's Allowance was in place. It was designed to be delivered as soon as possible by Social Security Scotland using data on entitlement to Carer's Allowance from the Department of Work and Pensions.

Section 81 of the Social Security (Scotland) Act 2018, therefore, sets out that Scottish Ministers must make a payment of Carer's Allowance Supplement in respect of two six-month periods each financial year, to anyone that is receipt of Carer's Allowance and currently Carer Support Payment, and is resident in Scotland on a set qualifying date. It, therefore, differs from other Scottish forms of social security assistance as it is not made under, or subject to, the framework of Part 2 of the Social Security (Scotland) 2018 Act.

Now that Carer Support Payment is available nationally, Scottish Carer Supplement is being introduced to bring the supplemental payment within the same framework as other forms of carer's assistance. A carer will be entitled to be paid Scottish Carer Supplement for every award week in which they are entitled to be paid Carer Support Payment. Determining entitlement, and making payments, alongside Carer Support Payment ensures carers regularly receive this additional support and ensures carers will not miss out on entitlement to Carer's Allowance Supplement for the whole of a 6-month qualifying period if they were not in receipt of Carer Support Payment on the specific qualifying date.

Changes in entitlement to Carer's Allowance Supplement

Schedule 2, Paragraph 2 amends section 81 of the 2018 Act to remove entitlement to the Carer's Allowance Supplement for those in receipt of Carer Support Payment. Entitlement to Carer's Allowance Supplement will continue for a small number of carers living in, or with a sufficient link to, Scotland, who may continue to be paid Carer's Allowance administered by the Department for Work and Pensions after the completion of case transfer. This includes carers who are currently entitled to Carer's Allowance due to transitional protection, a small number of whom are in payment in Scotland at present, and carers with exported Carer's Allowance cases and a genuine and sufficient link to Scotland.

Transitional provisions for Carer's Allowance Supplement

Regulation 16 makes a transitional/savings provision for section 81 of the Social Security (Scotland) 2018 Act so that carers receiving Carer Support Payment because of a bereavement or cross-border run-on on 14 March 2026 can still receive Carer's Allowance Supplement.

Powers to award Carer Support to carers already in receipt of Carer Support Payment

Schedule 1, Paragraph 1 introduces Schedule 1A to the principal regulations to provide for new 'determination without application' powers to award Carer Support to carers already in receipt of Carer Support Payment on the coming into force date of these amendment regulations. This will not apply to carers getting Carer Support Payment as a result of a cross-border or bereavement

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run on, or where their award is suspended. These carers will remain on Carer Support Payment until the end of their award or the end of the suspension.

Where existing Carer Support Payment clients have reported changes of circumstances that have not yet been taken into account on the coming into force date, this will not be taken into consideration for the initial determination of their entitlement to Carer Support but provision is made so that a further determination without application will be made as soon as practicable thereafter. The updated provisions also allow for an award of Carer Support Payment that had previously been temporarily stopped or suspended to be reinstated as an award for Carer Support where the client re-enters eligibility following the coming into force date.

Savings provisions for Carer Support Payment

Part 5 introduces savings provisions to preserve the provisions as before 14 March 2026 for application to cases where decisions need to be made on this period. For example, Regulation 5(2) amends Regulation 16(4) of the principal regulations to provide for carers who are already on a Carer Support Payment cross-border or bereavement run-on on the coming into force date of these regulations to remain on Carer Support Payment. These provisions ensure that they will be paid the full run-on of Carer Support Payment to which they are entitled.

Breaks in care

Regulation 40 of the principal regulations provides that a carer can continue to be paid support during a temporary break in care where they have been providing care for 14 of the past 26 weeks, or would have provided care for 22 weeks, if either they, or the primary cared for person had not been undergoing medical or other treatment as a hospital in-patient or a similar institution. This limits the number of weeks of temporary breaks from caring for which a carer can continue to be paid to 12 in any 26 week period, of which up to 4 weeks, can be for any reason, and up to 12 weeks can be due to the carer or cared for person been undergoing medical or other treatment as a hospital in-patient or a similar institution.

This regulation is also amended so that there will no longer be a requirement for carers to have been providing care for at least 14 or 22 of the past 26 weeks to become entitled to continue to be paid during a temporary break in care. This means carers can be paid during temporary breaks in care even where they have not yet provided either 14 or 22 weeks of care. This is intended to remove barriers to breaks in care for carers. Provision is also made to apply the same breaks in care rules to the payment of Carer Additional Person Payment for any breaks in care for the additional cared for person.

Cross-border moves to Scotland and missed case transfers

Regulation 3(23), (24) and (25) amends 41, 41A and 41B of the principal regulations to update the rules for cross-border moves from the rest of the UK

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to Scotland and for missed case transfer cases, to recognise the introduction of Carer Support. Where the date of the move, or the date Scottish Ministers become aware the carer's award should have transferred to Carer Support Payment but did not, is after the coming into force date of these regulations, and carers apply for Carer Support within 26 weeks of the date of their move, they will be awarded Carer Support starting from the award week in which Carer's Allowance entitlement ceased, or from 15 March 2026, whichever is the later date.

Uplift payment

Where carers apply for Carer Support within 26 weeks of the date they move to Scotland, they will also receive an "uplift" payment of Scottish Carer Supplement and, where relevant, Carer Additional Person Payment which matches the amount they would have received during the time they were living in Scotland on or after 15th March 2026 had they been in receipt of Carer Support rather than Carer's Allowance.

Where carers apply for Carer Support within 26 weeks of the date on which the Scottish Ministers become aware that the individual's previous entitlement to Carer's Allowance was not transferred to an entitlement to Carer Support Payment, they will also receive an "uplift" payment of Scottish Carer Supplement and, where relevant, Carer Additional Person Payment which matches the amount they would have received during the time they were living in Scotland on or after 15th March 2026 had they been in receipt of Carer Support rather than Carer's Allowance.

Extension of eligibility for Young Carer Grant to 19-year-olds

Part 2 of these regulations provide for the extension of eligibility for Young Carer Grant to 19-year-olds. This means that young carers can be eligible for 4 payments of the grant in total, between the ages of 16 and 19. Scottish Ministers anticipate that the extension of eligibility to 19-year-olds will extend financial support to up to 1,000 young carers, based on the most recent Young Carer Grant statistics**a**. Recipients of Young Carer Grant will remain eligible for Carer Support Payment after getting Young Carer Grant if their caring role changes.

Minor amendments to the principal regulations

Further minor amendments to the principal regulations are also included to clarify existing provisions:

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a Social Security Scotland - Young Carer Grant: high level statistics to 31 March 2024

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Effective dates where a determination without application is needed following case transfer

Regulation 3(17)(b) and 3(18)(d) amend regulations 27 and 28 of the principal regulations to include specific effective dates for situations where a determination without application is made under regulation 36(f) and (g) where, after an individual's benefits have been transferred from Carer's Allowance to Carer Support Payment, Scottish Ministers become aware of a change to the Carer's Allowance award they were entitled to before transfer. This provides that the effective date of any change should be the day after the day on which Carer's Allowance stopped being paid in respect of that individual.

Correction to Carer Support Payment earnings provisions

Regulation 3(9) amends Regulation 14 of the principal regulations to correct an error which means that a carer's earnings in any given week will affect entitlement to Carer Support Payment in that same week – instead of the following week as per the intended policy, the current Carer Support Payment systems, and how Carer's Allowance works. The amendment aims to address this issue and align the regulations with the policy intent.

Determination without application to award additional backdated support

Regulation 3(17)(d) amends regulation 36(e) of the principal regulations which provides for a determination without application to award additional backdated support to an individual after an initial determination of entitlement. Current provisions allow for an additional 13 weeks of support to be provided where an individual notifies Scottish Ministers and meets the eligibility criteria. Updated provisions will allow for the individual to be awarded all of the backdated support to which they are entitled, where the individual notifies Scottish Ministers within 13 weeks of the original decision, or later where it is considered they have a good reason for not making a request within 13 weeks.

Revocation of provisions for the initial period of applications

Regulation 5(6)revokes Regulations 18A and 18B. 18A and 18B are designed to ensure carers who are entitled to Carer Support Payment but not Carer's Allowance do not miss out on support as a result of being resident in an area to which Carer Support Payment became available after the initial pilot phase of Carer Support Payment in 2023. The last relevant date for this backdating was in February 2025, as a result these provisions are no longer needed.

Regulation 5(7) makes savings for Regulations 20 and 21 to allow for backdating of Carer Support Payment to before the coming into force date of the principal regulations in November 2023, in cases where a carer applies for Carer Support after the person they care for has received a heavily backdated disability benefit award.

UN Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 Compatibility

[statement to be added prior to laying]

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EU alignment considerations

This legislation is not relevant to the Scottish Government's policy to maintain alignment with the EU, because each EU member state has its own social security laws. EU rules coordinate these separate social security systems between member states to support freedom of movement, but this legislation is not relevant to social security co-ordination specifically.

Consultation

Between 28 February 2022 and 23 May 2022, the Scottish Government undertook a public consultation on how our replacement benefit for Carer's Allowance could work better for carers, from launch, and in future**a**. The consultation received around 200 responses from individuals and stakeholder organisations. A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website. During the consultation period officials attended Carers Scotland's Annual Carers Summit and nine engagement events were undertaken to hear from a wide and diverse range of carers. Specific research was also carried out with Social Security Scotland Experience Panels, with 242 members responding to a survey, and 16 follow up interviews. This took place between March and July 2022. Following the consultation period, a series of workshops to take feedback on proposals in light of the consultation responses were held with the Carer Benefits Advisory Group (CBAG).

An analysis of the responses to the consultation was published on 08 November 2022 **b**. A summary report from the research with experience panel members was published on 09 November 2022, prior to the publication of the full Scottish Government response to the public consultation on 24 March 2023**c**.

Respondents were broadly supportive of the policy proposals, and in general, the approach outlined in the consultation paper was perceived to be more sympathetic, flexible, and person-centred. The response to the consultation has informed the development of policy for Carer Support Payment, including the support for the introduction of Carer Additional Person Payment, extending the run-on of support after a cared for person dies, and the proposed changes to the Carer's Allowance Supplement. In the response to the consultation the Scottish Government confirmed their priority, following the completion of case transfer, would be to introduce new support for those caring for more than one person and increase the 'run on' of support after a cared for person dies from 8 to 12 weeks.

Scottish Commission on Social Security - scrutiny of the amendment regulations

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a Scottish Carer's Assistance: consultation - gov.scot (www.gov.scot)
b Scottish Carer's Assistance: consultation analysis - gov.scot (www.gov.scot)
c Social security - Scottish Carer's Assistance consultation: Scottish Government response - gov.scot (www.gov.scot)

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Under section 97 of the Social Security (Scotland) Act 2018, the Scottish Commission on Social Security (SCoSS) was asked to provide a scrutiny report on a draft of these regulations. On 28 November 2024, the Scottish Government provided SCoSS with the draft regulations and an accompanying policy note. The Scottish Government considered it appropriate to request SCoSS' scrutiny of the entirety of the draft Regulations, rather than limiting the request to the specific regulations that fall under section 97 of the 2018 Act. SCoSS published its scrutiny report on 28 February 2025. A further provision was referred to SCoSS on 4 March 2025 and SCoSS responded via an addendum to their initial report on 28 March 2025. Overall, SCoSS made 17 recommendations and 2 observations in relation to the draft regulations. The Scottish Government's response to the recommendations contained in that report is laid before Parliament with this instrument and is available on the Scottish Government's website.

Impact Assessments

An Equality Impact Assessment**a**, Island Communities Impact Assessment **b**, Fairer Scotland Duty Impact Assessment **c**, Business and Regulatory Impact Assessment **d**, Data Protection Impact Assessment **e**, and Children's Rights and Wellbeing Impact Assessment **f**, were published at the same time as the principal regulations, and The Carer's Assistance (Young Carer Grants) (Scotland) Regulations 2019. An update to the Equality Impact Assessment, Islands Community Impact Assessment, Business and Regulatory Impact Assessment, and a Fairer Scotland Duty Assessment alongside a full Children's Rights and Wellbeing Impact Assessment are to be published with laid regulations. An update to the Data Protection Impact Assessment was not undertaken because the impacts of this legislation on the use of personal data are covered by considerations in the previously published assessment.

The impact assessments and updates indicate that the commencement of the amendments to Carer Support Payment and Young Carer Grant will have a broadly positive impact on a range of groups with protected characteristics, particularly women and people with disabilities, island communities, the realisation of children's rights and improvements to their wellbeing and the reduction of the impact of socio-economic disadvantage.

Financial Effects

A Business and Regulatory Impact Assessment (BRIA) was completed for the principal regulations and covers consideration of the impact of Carer Support

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a Carer Support Payment: equality impact assessment - gov.scot (www.gov.scot)
b Carer Support Payment: island communities impact assessment - gov.scot (www.gov.scot)
c Background, Policy Aims and Proposed Rules - Carer Support Payment: fairer Scotland duty assessment - summary - gov.scot (www.gov.scot)
d Options - Carer Support Payment: business and regulatory impact assessment - gov.scot (www.gov.scot)
e Annex E: Article 36(4) form - Carer Support Payment: data protection impact assessment - gov.scot (www.gov.scot)
f Background, Policy Aims and Proposed Rules - Carer Support Payment: child rights and wellbeing impact assessment - gov.scot (www.gov.scot)

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Payment on the competitiveness of Scottish companies and the third sector within Scotland, the UK, and elsewhere in Europe and the rest of the world, and on local authorities and health boards, and on the Legal Aid budget. We do not consider there will be any differential impact from the provisions in this instrument.

The Scottish Fiscal Commission (SFC) has a statutory duty to provide independent and official forecasts of Scottish Gross Domestic Product (GDP), devolved tax revenues and devolved social security expenditure. Under the Scottish Fiscal Commission Act 2016, the SFC may also produce forecasts on other "fiscal factors", defined as "anything which the Scottish Ministers use to ascertain the amount of resources likely to be available for the purposes of sections 1 to 3 of the Public Finance and Accountability (Scotland) Act 2000".

The Protocol for engagement between the Scottish Fiscal Commission and the Scottish Government notes that the SFC may produce forecasts where it considers the policy, or policies, to have a "non-negligible impact on receipts or expenditure".

[SFC position to be added prior to laying]

Scottish Government

Social Security Directorate

Date/Month/2025

Draft

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