
STATUTORY INSTRUMENTS

2023 No. 1218

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

Part 3

England and Wales and Scotland

Amendment of the Social Security (Credits) Regulations 1975

3. In regulation 7A of the Social Security (Credits) Regulations 1975 (credits for carer's allowance)(1)—

- (a) in the heading, after “carer's allowance” insert “or carer support payment”;
- (b) in paragraph (1)—
 - (i) after “carer's allowance”, in both places it occurs, insert “or carer support payment”;
 - (ii) after “would have been so payable but for” insert “regulation 16 of the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023 or”;
- (c) after paragraph (2) insert—

“(3) In this regulation “carer support payment” means carer's assistance given in accordance with the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023.”.

Amendment of the Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979

4.—(1) The Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979(2) are amended as follows.

- (2) In regulation 4(1)(b) (days to be treated as days of increment)—
 - (a) at the end of sub-paragraph (iv), for “and” substitute “or”;
 - (b) after sub-paragraph (iv) insert—

“(v) carer support payment under the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023; and”.
- (3) In regulation 17 (provisions relating to age addition for persons not in receipt of a retirement pension), after paragraph (1)(g) insert—

“(ga) the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023;”.

(1) *S.I. 1975/556*; relevant amending instruments are *S.I. 1976/409, 1987/414, 1988/1545, 2000/1482, 2002/490, 2002/2497, 2005/2877, 2010/1160* and *2017/422*.

(2) *S.I. 1979/642*; relevant amending instruments are *S.I. 1991/2742, 2002/2497, 2006/516* and *2011/634*.

Amendment of the Income Support (General) Regulations 1987

- 5.—(1) The Income Support (General) Regulations 1987(3) are amended as follows.
- (2) In regulation 2(1) (interpretation), after the definition of “care home” insert—
- ““carer support payment” means carer’s assistance given in accordance with the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023;”.
- (3) In paragraph 4(b) of Schedule 1B (prescribed categories of person)—
- (a) after “carer’s allowance” insert “or carer support payment”;
- (b) for “that allowance” substitute “a carer’s allowance”.
- (4) In Schedule 2 (applicable amounts)—
- (a) in paragraph 7—
- (i) at the end of sub-paragraph (1)(a) omit “and”;
- (ii) at the end of sub-paragraph (1)(b) insert “and”;
- (iii) after sub-paragraph (1)(b) insert—
- “(c) in the case of carer support payment, for any period during which, apart from regulation 16 of the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023, he would be in receipt of that benefit.”;
- (iv) in sub-paragraph (2)—
- (aa) after “carer’s allowance by virtue of sub-paragraph (1)(a)” insert “or carer support payment by virtue of sub-paragraph (1)(c)”;
- (bb) after “the allowance” insert “or payment”;
- (b) in paragraph 13—
- (i) in sub-paragraph (2)(a)(iii), after “under section 70 of the Contributions and Benefits Act” insert “or carer support payment”;
- (ii) in the words after sub-paragraph (2)(b)(iii)—
- (aa) after “carer’s allowance” insert “or carer support payment”;
- (bb) after “such an allowance” insert “or payment”;
- (iii) in sub-paragraph (3A)(b), after “carer’s allowance”, in both places it occurs, insert “or carer support payment”;
- (iv) in sub-paragraph (3ZA), after “carer’s allowance” insert “, carer support payment”;
- (c) in paragraph 14ZA—
- (i) in sub-paragraph (1), after “a carer’s allowance under section 70 of the Contributions and Benefits Act” insert “or carer support payment”;
- (ii) in sub-paragraphs (3), (3A) and (4), after “carer’s allowance”, in each place it occurs, insert “or carer support payment”;
- (iii) in sub-paragraph (3A)(c) and (4), after “that allowance”, in each place it occurs, insert “or payment”;
- (d) in paragraph 15—
- (i) in sub-paragraph (5)(b)(i), after “carer’s allowance” insert “or carer support payment,”;

(3) S.I. 1987/1967; relevant amending instruments are S.I. 1988/663, 1990/1776, 1991/236, 1991/387, 1991/1559, 1991/2742, 1993/315, 1993/1150, 1994/2139, 1994/3061, 1996/206, 2000/681, 2000/2545, 2002/490, 2002/2020, 2002/2497, 2003/2279, 2005/2687, 2007/719, 2008/698, 2010/1160, 2013/388, 2013/591, 2015/1754, 2021/786, 2021/886 and 2022/177.

(ii) in sub-paragraph (5)(b)(ii), after “such an allowance” insert “or payment”.

(5) In paragraph 6A(1) of Schedule 8 (sums to be disregarded in the calculation of earnings), after “carer’s allowance”, in the first place it occurs, insert “or carer support payment”.

(6) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings), after paragraph 86 insert—

“**87.** Any amount of carer support payment that is in excess of the amount the claimant would receive if they had an entitlement to carer’s allowance under section 70 of the Contributions and Benefits Act.”.

Amendment of the Social Security (Claims and Payments) Regulations 1987

6. In regulation 3A(6) of the Social Security (Claims and Payments) Regulations 1987 (notification that claim not required for entitlement to a category a or b retirement pension)(**4**), in the definition of “non-exempt benefit”, after sub-paragraph (a) insert—

“(ab) carer support payment under the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023;”.

Amendment of the Income Support (Liable Relatives) Regulations 1990

7. In regulation 2(1)(e) of the Income Support (Liable Relatives) Regulations 1990 (prescribed amounts for the purposes of section 24A of the Act)(**5**), after “carer’s allowance” insert “or carer support payment under the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023;”.

Amendment of the Jobseeker’s Allowance Regulations 1996

8.—(1) The Jobseeker’s Allowance Regulations 1996(**6**) are amended as follows.

(2) In regulation 1(3) (interpretation), after the definition of “care home” insert—

““carer support payment” means carer’s assistance given in accordance with the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023(**7**);”.

(3) In regulation 46(1)(a) and (d) (waiting days), for “or carer’s allowance” substitute “, carer’s allowance or carer support payment”.

(4) In regulation 48 (linking periods)—

(a) in paragraph (2)(a), after “a carer’s allowance under section 70 of the Benefits Act” insert “or carer support payment”;

(b) in paragraph (3), after “carer’s allowance” insert “or carer support payment”.

(5) In regulation 51(3)(c)(iii) (remunerative work), after “a carer’s allowance under section 70 of the Benefits Act” insert “or carer support payment”.

(6) In regulation 150(2) (amount of a jobseeker’s allowance payable), after “carer’s allowance,” insert “carer support payment;”.

(7) In regulation 153(c) (modification in the calculation of income), after “carer’s allowance,” insert “carer support payment;”.

(4) S.I. 1987/1968, amended by S.I. 2010/1794; there are other amending instruments but none is relevant.

(5) S.I. 1990/1777, amended by S.I. 2002/2497.

(6) S.I. 1996/207; relevant amending instruments are S.I. 1996/1516, 1996/2538, 2000/681, 2000/1978, 2000/2545, 2002/490, 2002/2020, 2002/2380, 2003/511, 2003/2279, 2005/2687, 2007/719, 2008/698, 2008/1554, 2009/583, 2010/1160, 2013/388, 2013/591, 2015/1754, 2021/786, 2021/886 and 2022/177.

(7) S.S.I. 2023/302.

(8) In paragraph 3(b) of Schedule A1 (categories of members of a joint-claim couple who are not required to satisfy the conditions in section 1(2B)(b)), after “carer’s allowance” insert “or carer support payment”.

(9) In Schedule 1 (applicable amounts)—

(a) in paragraph 8—

(i) at the end of sub-paragraph (1)(a) omit “and”;

(ii) at the end of sub-paragraph (1)(b) insert “and”;

(iii) after sub-paragraph (1)(b) insert—

“(c) in the case of carer support payment, for any period during which, apart from regulation 16 of the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023, he would be in receipt of that benefit.”;

(iv) in sub-paragraph (2)—

(aa) after “carer’s allowance by virtue of sub-paragraph (1)(a)” insert “or carer support payment by virtue of sub-paragraph (1)(c)”;

(bb) after “the allowance” insert “or payment”;

(b) in paragraph 15—

(i) in sub-paragraph (1)(c), after “a carer’s allowance under section 70 of the Benefits Act” insert “or carer support payment”;

(ii) in sub-paragraph (2)(d), after “a carer’s allowance under section 70 of the Benefits Act”, in both places it occurs, insert “or carer support payment”;

(iii) in sub-paragraph (5)(b), after “carer’s allowance”, in both places it occurs, insert “or carer support payment”;

(iv) in sub-paragraph (7), after “carer’s allowance” insert “, carer support payment”;

(c) in paragraph 17—

(i) in sub-paragraph (1), after “carer’s allowance under section 70 of the Benefits Act” insert “or carer support payment”;

(ii) in sub-paragraph (3), after “carer’s allowance”, in both places it occurs, insert “or carer support payment”;

(iii) in sub-paragraph (3A)—

(aa) after “carer’s allowance”, in both places it occurs, insert “or carer support payment”;

(bb) after “that allowance” insert “or payment”;

(iv) in sub-paragraph (4)—

(aa) after “carer’s allowance”, in each place it occurs, insert “or carer support payment”;

(bb) after “that allowance”, in both places it occurs, insert “or payment”;

(d) in paragraph 20—

(i) in sub-paragraph (6)(b)(i), after “carer’s allowance” insert “or carer support payment”;

(ii) in sub-paragraph (6)(b)(ii), after “an allowance” insert “or payment”;

(e) in paragraph 20D—

(i) at the end of sub-paragraph (1)(a) omit “and”;

- (ii) at the end of sub-paragraph (1)(b) insert “and”;
 - (iii) after sub-paragraph (1)(b) insert—
 - “(c) in the case of carer support payment, for any period during which, apart from regulation 16 of the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023, he would be in receipt of that benefit.”;
 - (iv) in sub-paragraph (2)—
 - (aa) after “carer’s allowance by virtue of sub-paragraph (1)(a)” insert “or carer support payment by virtue of sub-paragraph (1)(c)”;
 - (bb) after “the allowance” insert “or payment”;
 - (f) in paragraph 20I—
 - (i) in sub-paragraphs (1)(d)(i) and (ii), after “a carer's allowance under section 70 of the Benefits Act” insert “or carer support payment”;
 - (ii) in paragraph (4)(b), after “carer’s allowance”, in both places it occurs, insert “or carer support payment”;
 - (iii) in paragraph (6), after “carer’s allowance” insert “, carer support payment”;
 - (iv) in paragraph (7), after “carer’s allowance” insert “or carer support payment”;
 - (g) in paragraph 20J—
 - (i) in sub-paragraph (1), after “a carer's allowance under section 70 of the Benefits Act” insert “or carer support payment”;
 - (ii) in sub-paragraphs (3), (3A) and (4), after “carer’s allowance”, in each place it occurs, insert “or carer support payment”;
 - (iii) in sub-paragraph (4), after “that allowance”, in both places it occurs, insert “or payment”;
 - (h) in paragraph 20M—
 - (i) in sub-paragraph (4)(i), after “carer’s allowance” insert “or carer support payment,”;
 - (ii) in sub-paragraph (4)(ii), after “an allowance” insert “or payment”.
- (10) In paragraph 7(1) of Schedule 6 (sums to be disregarded in calculation of earnings), after “carer’s allowance”, in the first place it occurs, insert “or carer support payment”.
- (11) In paragraph 2(1) of Schedule 6A (sums to be disregarded in calculation of earnings of members of joint-claim couples), after “carer’s allowance”, in the first place it occurs, insert “or carer support payment”.
- (12) In Schedule 7 (sums to be disregarded in the calculation of income other than earnings), after paragraph 82 insert—
- “**83.** Any amount of carer support payment that is in excess of the amount the claimant would receive if they had an entitlement to carer’s allowance under section 70 of the Benefits Act.”.

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations 1999

9. In regulation 7 of the Social Security and Child Support (Decisions and Appeals) Regulations 1999 (date from which a decision superseded under section 10 takes effect)(**8**)—

(8) S.I. 1999/991; relevant amending instruments are S.I. 1999/1623, 2006/832 and 2008/2667.

- (a) in paragraph (2)(bc), after “carer’s allowance”, in both places it occurs, insert “or carer support payment”;
- (b) after paragraph (2) insert—
 - “(2B) For the purposes of paragraph (2) “carer support payment” means carer’s assistance given in accordance with the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023.”.

Amendment of the Social Security (Work-focused Interviews) Regulations 2000

10. In regulation 6(4)(b) of the Social Security (Work-focused Interviews) Regulations 2000 (continuing entitlement dependent upon an interview)(9), after “carer’s allowance” insert “, or carer support payment under the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023,”.

Amendment of the Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000

11. In regulation 2ZB(5)(a) of the Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000 (general requirement for lone parents entitled to income support to take part in an interview)(10), after “or carer’s allowance” insert “, or carer support payment under the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023,”.

Amendment of the Social Security (Contributions) Regulations 2001

12. In regulation 43(1)(e) of the Social Security (Contributions) Regulations 2001 (exception from Class 2 contributions)(11), after “carer’s allowance” insert “, carer support payment under the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023”.

Amendment of the Social Security (Jobcentre Plus Interviews) Regulations 2002

13. In regulation 4(4)(a) of the Social Security (Jobcentre Plus Interviews) Regulations 2002 (continuing entitlement to full amount of specified benefit dependent on an interview)(12), after “carer’s allowance” insert “, or carer support payment under the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023,”.

Amendment of the State Pension Credit Regulations 2002

- 14.—**(1) The State Pension Credit Regulations 2002(13) are amended as follows.
- (2) In regulation 1(2) (citation, commencement and interpretation) after the definition of “care home service” insert—
 - ““carer support payment” means carer’s assistance given in accordance with the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023;”.
- (3) In regulation 6(5)(b) (amount of the guarantee credit), after “receipt of an allowance under section 70 of the 1992 Act” insert “or carer support payment”.
- (4) In regulation 15 (income for the purposes of the Act), after paragraph (4)(f) insert—

(9) S.I. 2000/897; relevant amending instruments are S.I. 2002/1703 and 2005/2727.

(10) S.I. 2000/1926, amended by S.I. 2011/2428.

(11) S.I. 2001/1004, amended by S.I. 2002/2924; there are other amending instruments but none is relevant.

(12) S.I. 2002/1703, amended by S.I. 2011/2428.

(13) S.I. 2002/1792; relevant amending instruments are S.I. 2002/3197, 2003/2274, 2007/719, 2007/2618, 2011/2581, 2013/388, 2013/591, 2014/2888, 2015/1754, 2017/1015, 2018/228, 2022/177 and 2023/316.

- “(g) regulation 16(2) of the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023.”
- (5) In regulation 18(1CA) (notional income), after “the Social Security (Overlapping Benefits) Regulations 1979” insert “or regulation 16(2) of the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023”.
- (6) In Schedule 1 (additional amounts)—
- (a) in paragraph 1—
- (i) in sub-paragraph (1)(a)(iii), after “(carer’s allowance)” insert “or carer support payment”;
- (ii) in the words after sub-paragraph (1)(b)—
- (aa) after “and either a person is entitled to, and in receipt of, an allowance under section 70 of the 1992 Act” insert “or carer support payment”;
- (bb) after “in respect of caring for one only of the partners or, as the case may be, no person is entitled to, and in receipt of, such an allowance under section 70” insert “or carer support payment”;
- (iii) in sub-paragraph (1)(c)(iv), after “no person is entitled to and in receipt of an allowance under section 70 of the 1992 Act” insert “or carer support payment”;
- (iv) in sub-paragraph (2)(c), after “as not being in receipt of an allowance under section 70 of the 1992 Act” insert “or carer support payment”;
- (b) in paragraph 4—
- (i) in sub-paragraph (2), after “allowance under section 70 of the 1992 Act (carer’s allowance)” insert “or carer support payment”;
- (ii) in sub-paragraph (3), after “allowance”, in both places it occurs, insert “or payment”;
- (iii) in sub-paragraph (4)—
- (aa) after “the allowance”, in both places it occurs, insert “or payment”;
- (bb) after “that allowance” insert “or payment”;
- (c) in paragraph 5, after “allowance under section 70 of the 1992 Act” insert “or carer support payment”.
- (7) In paragraph 1(10)(d) of Schedule 3 (special groups), after “allowance under section 70 of the 1992 Act” insert “or carer support payment”.
- (8) In Schedule 4 (amounts to be disregarded in the calculation of income other than earnings), after paragraph 18 insert—

“19. Any amount of carer support payment that is in excess of the amount the claimant would receive if they had an entitlement to carer’s allowance under section 70 of the 1992 Act.”

Amendment of the Social Security (Deferral of Retirement Pensions) Regulations 2005

15. In regulation 3(1)(a) of the Social Security (Deferral of Retirement Pensions) Regulations 2005 (amount of retirement pension not included in the calculation of the lump sum)(14), after sub-paragraph (iv) insert—

- “(v) carer support payment under the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023;”.

Amendment of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005

16. In regulation 10(1A) of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005 (deductions from an award of a funeral payment)⁽¹⁵⁾, after sub-paragraph (c) insert—

- “(ca) carer support payment under the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023;”.

Amendment of the Housing Benefit Regulations 2006

17.—(1) The Housing Benefit Regulations 2006⁽¹⁶⁾ are amended as follows.

(2) In regulation 2(1) (interpretation), after the definition of “care home” insert—

““carer support payment” means carer’s assistance given in accordance with the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023;”.

(3) After regulation 75F(1)(h) (exception to the benefit cap: receipt of specified benefit) insert—

“(ha) the claimant, the claimant's partner, or a young person for whom the claimant or the claimant's partner is responsible, is entitled to carer support payment;”.

(4) In Schedule 3 (applicable amounts)—

(a) in paragraph 7—

(i) at the end of sub-paragraph (1)(a) omit “and”;

(ii) at the end of sub-paragraph (1)(b) insert “and”;

(iii) after sub-paragraph (1)(b) insert—

“(c) in the case of carer support payment, any period during which, apart from regulation 16 of the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023, he would be in receipt of that benefit.”;

(iv) in sub-paragraph (2)—

(aa) after “carer’s allowance by virtue of sub-paragraph (1)(a)” insert “or carer support payment by virtue of sub-paragraph (1)(c)”;

(bb) after “the allowance” insert “or payment”;

(b) in paragraph 14—

(i) in sub-paragraph (2)(a)(iii), after “carer's allowance under section 70 of the Act” insert “or carer support payment”;

(ii) in the words after sub-paragraph (2)(b)(iii)—

(aa) after “carer’s allowance” insert “or carer support payment”;

(bb) after “such an allowance” insert “or payment”;

(iii) in sub-paragraph (5)(b), after “carer’s allowance” insert “or carer support payment”;

(iv) in sub-paragraph (6), after “carer’s allowance” insert “, carer support payment”;

(c) in paragraph 17—

(i) in sub-paragraph (1), after “carer's allowance under section 70 of the Act” insert “or carer support payment”;

(ii) in sub-paragraph (2), after “carer’s allowance”, in both places it occurs, insert “or carer support payment”;

⁽¹⁵⁾ S.I. 2005/3061, amended by S.I. 2013/247.

⁽¹⁶⁾ S.I. 2006/213; relevant amending instruments are S.I. 2007/719, 2009/583, 2011/2581, 2012/2994, 2013/388, 2013/591, 2015/1754, 2016/909, 2018/228, 2021/786, 2021/886 and 2022/177.

- (iii) in sub-paragraph (3)—
 - (aa) after “carer’s allowance”, in both places it occurs, insert “or carer support payment”;
 - (bb) after “that allowance” insert “or payment”;
 - (iv) in sub-paragraph (4)—
 - (aa) after “carer’s allowance”, in each place it occurs, insert “or carer support payment”;
 - (bb) after “that allowance”, in both places it occurs, insert “or payment”;
 - (d) in paragraph 20—
 - (i) in sub-paragraph (6)(b)(i), after “carer’s allowance” insert “or carer support payment”;
 - (ii) in sub-paragraph (6)(b)(ii), after “such an allowance” insert “, such a payment”.
- (5) In paragraph 5(1) of Schedule 4 (sums to be disregarded in the calculation of earnings), after “carer’s allowance”, in both places it occurs, insert “or carer support payment”.
- (6) In Schedule 5 (sums to be disregarded in the calculation of income), after paragraph 73 insert—
- “74. Any amount of carer support payment that is in excess of the amount the claimant would receive if they had an entitlement to carer’s allowance under section 70 of the Act.”.

Amendment of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

18.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(17) are amended as follows.

- (2) In regulation 2 (interpretation), after the definition of “care home” insert—

““carer support payment” means carer’s assistance given in accordance with the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023(18);”.
- (3) In regulation 29 (meaning of income), after paragraph (4)(f) insert—

“(g) regulation 16(2) of the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023.”.
- (4) In Schedule 3 (applicable amounts)—
 - (a) in paragraph 5—
 - (i) at the end of sub-paragraph (1)(a) omit “and”;
 - (ii) at the end of sub-paragraph (1)(b) insert “and”;
 - (iii) after sub-paragraph (1)(b) insert—

“(c) in the case of carer support payment, any period during which, apart from regulation 16 of the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023, he would be in receipt of that benefit.”;
 - (iv) in sub-paragraph (2)—
 - (aa) after “by virtue of sub-paragraph (1)(a)” insert “or carer support payment by virtue of sub-paragraph (1)(c)”;

(17) S.I. 2006/214; relevant amending instruments are S.I. 2007/719, 2009/583, 2009/1676, 2013/388, 2013/591, 2015/1754, 2017/1015, 2018/228, 2021/786 and 2022/177.

(18) S.S.I. 2023/302.

- (bb) after “the allowance” insert “or payment”;
 - (b) in paragraph 6—
 - (i) in sub-paragraph (2)(a)(iii), after “carer’s allowance under section 70 of the Act” insert “or carer support payment”;
 - (ii) in the words after sub-paragraph (2)(b)(iii)—
 - (aa) after “carer’s allowance” insert “or carer support payment”;
 - (bb) after “such an allowance” insert “or payment”;
 - (iii) in sub-paragraph (7)(b), after “carer’s allowance” insert “or carer support payment”;
 - (iv) in sub-paragraph (8)(a), after “carer’s allowance” insert “or carer support payment”;
 - (c) in paragraph 9, after “carer’s allowance”, in each place it occurs, insert “or carer support payment”;
 - (d) in paragraph 12—
 - (i) in sub-paragraph (1)(b)(i), after “carer’s allowance” insert “or carer support payment”;
 - (ii) in sub-paragraph (1)(b)(ii), after “such an allowance” insert “or payment”.
- (5) In Schedule 5 (amounts to be disregarded in the calculation of income other than earnings), after paragraph 24 insert—
- “**25.** Any amount of carer support payment that is in excess of the amount the claimant would receive if they had an entitlement to carer’s allowance under section 70 of the Act.”.

Amendment of the Employment and Support Allowance Regulations 2008

- 19.**—(1) The Employment and Support Allowance Regulations 2008(**19**) are amended as follows.
- (2) In regulation 2(1) (interpretation), after the definition of “carer’s allowance” insert—
- ““carer support payment” means carer’s assistance given in accordance with the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023;”.
- (3) In regulation 8(2)(a) (relaxation of the first contribution condition), after “carer’s allowance” insert “or carer support payment”.
- (4) In regulation 144(2)(a) (waiting days), after “carer’s allowance” insert “, carer support payment”.
- (5) In regulation 165(3) (entitlement for less than a week - amount of an employment and support allowance payable), after “carer’s allowance” insert “, carer support payment”.
- (6) In regulation 167(d) (modification in the calculation of income), after “carer’s allowance” insert “, carer support payment”.
- (7) In Schedule 4 (amounts)—
- (a) in paragraph 4—
 - (i) at the end of sub-paragraph (1)(a) omit “and”;
 - (ii) at the end of sub-paragraph (1)(b) insert “and”;
 - (iii) after sub-paragraph (1)(b) insert—
 - “(c) in the case of carer support payment, for any period during which, apart from regulation 16 of the Carer’s Assistance (Carer Support

(19) S.I. 2008/794; relevant amending instruments are S.I. 2008/2428, 2009/583, 2010/1907, 2011/2425, 2013/388, 2013/591, 2015/1754, 2017/422, 2021/886 and 2022/177.

Payment) (Scotland) Regulations 2023, the person would be in receipt of that benefit.”;

(iv) in sub-paragraph (2)—

(aa) after “carer’s allowance by virtue of sub-paragraph (1)(a)” insert “or carer support payment by virtue of sub-paragraph (1)(c)”;

(bb) after “the allowance” insert “or payment”;

(b) in paragraph 6—

(i) in sub-paragraph (2)(a)(iii), after “carer’s allowance” insert “or carer support payment”;

(ii) in the words after sub-paragraph (2)(b)(iii)—

(aa) after “carer’s allowance” insert “or carer support payment”;

(bb) after “such an allowance” insert “or payment”;

(iii) in sub-paragraph (5)(b), after “carer’s allowance”, in both places it occurs, insert “or carer support payment”;

(iv) in sub-paragraph (6), after “carer’s allowance” insert “, carer support payment”;

(c) in paragraph 8—

(i) in sub-paragraph (1), after “carer's allowance under section 70 of the Contributions and Benefits Act” insert “or carer support payment”;

(ii) in sub-paragraph (2), after “carer’s allowance”, in both places it occurs, insert “or carer support payment”;

(iii) in sub-paragraph (3)—

(aa) after “carer’s allowance”, in both places it occurs, insert “or carer support payment”;

(bb) in sub-paragraph (b), after “that allowance” insert “or payment”;

(iv) in sub-paragraph (4)—

(aa) after “carer’s allowance”, in each place it occurs, insert “or carer support payment”;

(bb) after “that allowance”, in both places it occurs, insert “or payment”;

(d) in paragraph 11—

(i) in sub-paragraph (2)(b)(i), after “carer’s allowance” insert “or carer support payment”;

(ii) in sub-paragraph (2)(b)(ii), after “an allowance” insert “or payment”.

(8) In Schedule 8 (sums to be disregarded in the calculation of income other than earnings), after paragraph 74 insert—

“75. Any amount of carer support payment that is in excess of the amount the claimant would receive if they had an entitlement to carer’s allowance under section 70 of the Contributions and Benefits Act.”.

Amendment of the Social Security (Contributions Credits for Parents and Carers) Regulations 2010

20.—(1) The Social Security (Contributions Credits for Parents and Carers) Regulations 2010(20) are amended as follows.

(20) S.I. 2010/19, to which there are amendments not relevant to these Regulations.

(2) In regulation 7 (additional period in respect of entitlement to carer’s allowance and relevant benefits)—

- (a) in the heading, after “carer’s allowance” insert “or carer support payment”;
- (b) at the end of paragraph (1)(a), insert “or carer support payment under the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023”;
- (c) at the end of paragraph (1)(b), insert “or carer support payment by virtue of those Regulations”;
- (d) at the end of paragraph (2), insert “or a payment under the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023”.

(3) In regulation 10(2)(b) (applications: carers for 20 or more hours per week), after “carer’s allowance” insert “or carer support payment”.

Amendment of the Employment and Support Allowance (Work-Related Activity) Regulations 2011

21.—(1) The Employment and Support Allowance (Work-Related Activity) Regulations 2011(**21**) are amended as follows.

(2) In regulation 2(1) (interpretation), after ““carer’s allowance”” insert “, “carer support payment””.

(3) In regulation 3 (requirement to undertake work-related activity)—

- (a) at the end of paragraph (2)(c) omit “and”;
- (b) after paragraph (2)(c) insert—
 - “(ca) is not entitled to carer support payment; and”.

Amendment of the Child Support Maintenance Calculation Regulations 2012

22. In regulation 44(1) of the Child Support Maintenance Calculation Regulations 2012 (flat rate)(**22**)—

- (a) at the end of sub-paragraph (h) omit “and”;
- (b) at the end of sub-paragraph (i) insert “and”;
- (c) after sub-paragraph (i) insert—
 - “(j) carer support payment under the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023.”.

Amendment of the Universal Credit Regulations 2013

23.—(1) The Universal Credit Regulations 2013(**23**) are amended as follows.

(2) In regulation 2 (interpretation), after the definition of “carer element” insert—

““carer support payment” means carer’s assistance given in accordance with the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023;”.

(3) In regulation 29 (award to include the carer element)—

- (a) in paragraph (1)—
 - (i) for “paragraphs (2) to (4)” substitute “paragraphs (2) to (6)”;

(21) [S.I. 2011/1349](#), amended by [S.I. 2011/2428](#).

(22) [S.I. 2012/2677](#), amended by [S.I. 2015/1985](#); there are other amending instruments but none is relevant.

(23) [S.I. 2013/376](#); relevant amending instruments are [S.I. 2015/1754](#), [2016/909](#), [2017/204](#) and [2017/422](#).

- (ii) for “section 70(7)” substitute “section 70”;
 - (iii) after “carer’s allowance” insert “or carer support payment”;
 - (b) after paragraph (4) insert—
 - “(5) Paragraph (6) applies where—
 - (a) a person (A)—
 - (i) has, or would have but for regulation 5(3) of the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023, an entitlement to carer support payment; or
 - (ii) has, or would have but for section 70 of the Contributions and Benefits Act, an entitlement to carer’s allowance in respect of which the Scottish Ministers have the power to make decisions; and
 - (b) another person (B) has, or would have but for this regulation, an entitlement to the carer element of universal credit for the same day in respect of the same severely disabled person; and
 - (c) section 70 of the Contributions and Benefits Act does not apply to the decision in respect of B’s entitlement to universal credit.
 - (6) The universal credit award of B shall not include a carer element unless—
 - (a) A and B jointly elect that B shall have entitlement to the carer element and that A shall not have an entitlement mentioned in paragraph (5)(a) for that day in respect of that severely disabled person; or
 - (b) in default of such an election, the Secretary of State is satisfied, following consultation with the Scottish Ministers, that—
 - (i) Scottish Ministers have decided, or will decide, that A shall not have an entitlement mentioned in paragraph (5)(a); and
 - (ii) B shall have a carer element included in their award of universal credit, for that day in respect of that severely disabled person.”.
- (4) In regulation 30 (meaning of “regular and substantial caring responsibilities for a severely disabled person”)—
 - (a) for paragraph (1) substitute—
 - “(1) For the purposes of Part 1 of the Act and these Regulations, a person has regular and substantial caring responsibilities for a severely disabled person if—
 - (a) they satisfy the conditions for entitlement to a carer’s allowance or would do so but for the fact that—
 - (i) their earnings have exceeded the limit prescribed for the purposes of that allowance; or
 - (ii) they are—
 - (aa) resident, or treated as resident, in Scotland; or
 - (bb) resident outside of Great Britain and have a genuine and sufficient link to Scotland; or
 - (b) they are entitled to carer support payment.”;
 - (b) in paragraph (2), for “paragraph (1)” substitute “paragraph (1)(a)”;
 - (c) after paragraph (3) insert—

“(4) For the purposes of paragraph (1), “sufficient” has the meaning given in paragraph 3 of Schedule 1 to the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023.”.

(5) In regulation 66 (what is included in unearned income?), after paragraph (1)(b)(iii) insert—
“(iia) carer support payment but only up to a maximum of the amount a claimant would receive if they had an entitlement to carer’s allowance;”.

(6) In regulation 83(1) (exceptions - entitlement or receipt of certain benefits), after sub-paragraph (i) insert—
“(ia) a claimant, or a qualifying young person for whom a claimant is responsible, is entitled to carer support payment;”.

(7) In regulation 89(1)(b) (claimants subject to no work-related requirements), after “carer’s allowance” insert “, or have entitlement to carer support payment;”.

(8) After paragraph 16(2)(g) of Schedule 4 (no deduction for housing cost contributions in respect of certain non-dependants), insert—

“(ga) a person in receipt of carer support payment;”.

Amendment of the Jobseeker’s Allowance Regulations 2013

24.—(1) The Jobseeker’s Allowance Regulations 2013(**24**) are amended as follows.

(2) In regulation 2(2) (general interpretation), after the definition of “benefit week” insert—
““carer support payment” means carer’s assistance given in accordance with the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023(**25**);”.

(3) In regulation 36(1) (waiting days), for “or carer’s allowance” substitute “, carer’s allowance or carer support payment”.

(4) In regulation 39 (linking periods)—

(a) in paragraph (2)(a), after “carer’s allowance under section 70 of the Benefits Act” insert “or carer support payment”;

(b) in paragraph (4), after “carer’s allowance” insert “or carer support payment”.

(5) In regulation 42(3)(c)(iii) (remunerative work), after “carer’s allowance under section 70 of the Benefits Act” insert “or carer support payment”.

Amendment of the Employment and Support Allowance Regulations 2013

25.—(1) The Employment and Support Allowance Regulations 2013(**26**) are amended as follows.

(2) In regulation 2 (interpretation), after the definition of “carer’s allowance” insert—

““carer support payment” means carer’s assistance given in accordance with the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023;”.

(3) In regulation 9(2)(a) (relaxation of the first contribution condition), after “carer’s allowance” insert “or carer support payment”.

(4) In regulation 47 (claimants subject to no work-related requirements)—

(a) in paragraph (1)(a), after “carer’s allowance” insert “or have entitlement to carer support payment”;

(b) in paragraph (2), for sub-paragraphs (a) and (b) substitute—

(24) S.I. 2013/378, to which there are amendments not relevant to these Regulations.

(25) S.S.I. 2023/302.

(26) S.I. 2013/379, amended by S.I. 2017/422; there are other amending instruments but none is relevant.

- “(a) satisfies the conditions for entitlement to a carer’s allowance, or would do so but for the fact that—
 - (i) their earnings have exceeded the limit prescribed for the purposes of that allowance; or
 - (ii) they are—
 - (aa) resident, or treated as resident, in Scotland; or
 - (bb) resident outside of Great Britain and have a genuine and sufficient link to Scotland; or
- (b) is entitled to carer support payment.”;
- (c) in paragraph (5), after the definition of “severely disabled” insert—
 - ““sufficient” has the meaning given in paragraph 3 of Schedule 1 to the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023;”.
- (5) In regulation 85(2)(a) (waiting days), after “carer’s allowance,” insert “carer support payment,”.
- (6) In regulation 100(b) (modification in the calculation of income), after “carer’s allowance” insert “, carer support payment”.

Amendment of the Universal Credit (Transitional Provisions) Regulations 2014

- 26.** In paragraph 8 of Schedule 2 to the Universal Credit (Transitional Provisions) Regulations 2014 (claimants previously entitled to a severe disability premium)(**27**)—
- (a) in sub-paragraph (2), after “a carer’s allowance” insert “or carer support payment”;
 - (b) after sub-paragraph (2) insert—
 - “(3) In paragraph (2) “carer support payment” means carer’s assistance given in accordance with the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023.”.

Amendment of the State Pension Regulations 2015

- 27.**—(1) The State Pension Regulations 2015(**28**) are amended as follows.
- (2) In regulation 11 (days which are not included in determining the period of deferral), after paragraph (2)(a)(vi) insert—
 - “(via) carer support payment under the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023 (“carer support payment”);”.
 - (3) In regulation 28(4)(a)(i) (credits for spouses and civil partners of members of Her Majesty’s forces), after “carer’s allowance” insert “or carer support payment”.
 - (4) In regulation 29(2)(b) (credits under the 1975 regulations), after “carer’s allowance” insert “or carer support payment”.
 - (5) In regulation 33(4)(a)(i) (credits for spouses and civil partners of members of Her Majesty’s forces), after “carer’s allowance” insert “or carer support payment”.
 - (6) In regulation 38 (credits for an additional period in respect of entitlement to carer’s allowance and relevant benefits)—
 - (a) in the heading, after “carer’s allowance” insert “or carer support payment”;

(27) S.I. 2014/1230; relevant amending instruments are S.I. 2021/4 and 2023/543.

(28) S.I. 2015/173, amended by S.I. 2016/240; there are other amending instruments but none is relevant.

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- (b) in paragraph (1)(a), after “carer's allowance by virtue of subsection (1) of section 70 of the 1992 Act” insert “or carer support payment under the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023”;
- (c) at the end of paragraph (1)(b) insert “or carer support payment by virtue of those Regulations”;
- (d) in paragraph (2), after “an allowance under section 70 of the 1992 Act” insert “or carer support payment under the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023”.