

**2023 No. 1218**

**CONSTITUTIONAL LAW**

**DEVOLUTION, SCOTLAND**

**SOCIAL SECURITY**

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

*Made* - - - - *at 10:30 a.m. on 16th November*  
*2023*

*Laid before Parliament at 3:00 p.m. on 16th November 2023*

*Coming into force* - - *19th November 2023*

The Secretary of State makes this Order in exercise of the powers conferred by sections 104, 112(1) and 113(2), (3), (4) and (5) of the Scotland Act 1998(a).

**PART 1**

**Citation, commencement and extent**

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**1.**—(1) This Order may be cited as the Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023 (Consequential Amendments) Order 2023.

(2) This Order comes into force on 19th November 2023.

(3) Part 1 of this Order extends to England and Wales, Scotland and Northern Ireland.

(4) Part 2 of this Order extends to England and Wales only.

(5) Part 3 of this Order extends to England and Wales and Scotland.

(6) Part 4 of this Order extends to Northern Ireland only.

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(a) 1998 c. 46. Section 104 was amended by section 12 of the Scotland Act 2012 (c. 11) and section 10 of the Scotland Act 2016 (c. 11).

## PART 2

### England and Wales

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

2.—(1) Regulation 7 of the Social Security (Invalid Care Allowance) Regulations 1976 (manner of electing the person entitled to a carer's allowance in respect of a severely disabled person where, but for section 70(7) of the Contributions and Benefits Act, more than one person would be entitled to a carer's allowance in respect of that severely disabled person)(a) is amended as follows.

(2) For the heading of regulation 7, substitute “manner of electing the person entitled to a carer’s allowance in respect of a severely disabled person for the purposes of section 70 of the Contributions and Benefits Act”.

(3) In paragraph (1), for “section 70(7)” substitute “section 70(7ZA)”.

(4) After paragraph (1), insert—

“(1C) For the purposes of section 70(7ZB) and (7ZC) of the Contributions and Benefits Act, which provides that where, apart from those subsections, one person (A) would have an entitlement mentioned in subsection (7ZB) and another person (B) would have a relevant entitlement for the same day in respect of the same severely disabled person, persons A and B may jointly elect in the prescribed manner that B shall have the relevant entitlement and that A shall not have an entitlement mentioned in subsection (7ZB), an election shall be made by giving the Secretary of State a notice in writing signed by both A and B specifying that B shall have the relevant entitlement and A shall not have an entitlement mentioned in subsection (7ZB).”.

(5) In paragraph (2)—

(a) for “paragraph (1)” substitute “paragraph (1) or (1C)”;

(b) after “a carer’s allowance” insert “, carer support payment”.

(6) After paragraph (3), insert—

“(5) In paragraph (2), “carer support payment” means carer’s assistance given in accordance with the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023(b).”.

(7) The manner of election specified in regulation 7(1C), as inserted by paragraph (4) above, is to be regarded as being “the prescribed manner” within the meaning of section 70(7ZC)(a) of the Social Security Contributions and Benefits Act 1992.

## 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)(c)—

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(a) S.I. 1976/409; relevant amending instruments are S.I. 1996/2744, 2002/2497 and 2015/1754.

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

(c) 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.

- (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<sup>(a)</sup> 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;”.

**Amendment of the Income Support (General) Regulations 1987**

5.—(1) The Income Support (General) Regulations 1987<sup>(b)</sup> 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.”;

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

- (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,”;
    - (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)(a), 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;”.

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

## **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)(a), 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(b) 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(c);”.

(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.”.

(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—

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

(b) 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.

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

- (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)(a)—
  - (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)(b), 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)(c), after “or carer’s allowance” insert “, or carer

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(a) S.I. 1999/991; relevant amending instruments are S.I. 1999/1623, 2006/832 and 2008/2667.  
 (b) S.I. 2000/897; relevant amending instruments are S.I. 2002/1703 and 2005/2727.  
 (c) S.I. 2000/1926, amended by S.I. 2011/2428.

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)(a), 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)(b), 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(c) 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—

“(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”;

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

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

(c) 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.



- (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)(a), 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)(b), 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(c) 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—

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(a) S.I. 2005/453, amended by S.I. 2011/634.

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

(c) 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.

“(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”;
- (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(a) 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(b);”.

(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)”;

(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”.

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(a) 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.

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

(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(a) 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 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—

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(a) 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.

- (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(a) are amended as follows.

(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(b) are amended as follows.

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(a) S.I. 2010/19, to which there are amendments not relevant to these Regulations.  
 (b) S.I. 2011/1349, amended by S.I. 2011/2428.

(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)(a)—

(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**(b)** 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)”;

(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.

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

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

- (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—

“(iiia) 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<sup>(a)</sup> 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<sup>(b)</sup>”.
- (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<sup>(c)</sup> 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—
- “(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,”.

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<sup>(a)</sup> S.I. 2013/378, to which there are amendments not relevant to these Regulations.

<sup>(b)</sup> S.S.I. 2023/302.

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



(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)(a)—

- (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(b) 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”;
- (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”.

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

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

**PART 4**  
Northern Ireland

**Amendment of the Social Security (Credits) Regulations (Northern Ireland) 1975**

**28.**—(1) The Social Security (Credits) Regulations (Northern Ireland) 1975(a) are amended as follows.

(2) In regulation 7A (credits for carer’s allowance)—

(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 (Invalid Care Allowance) Regulations (Northern Ireland) 1976**

**29.**—(1) The Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976(b) are amended as follows.

(2) For regulation 2(1) (interpretation), substitute—

“(1) In these Regulations—

“the Contributions and Benefits Act” means the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

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

(3) For the heading to regulation 7, substitute “Manner of electing the person entitled to a carer’s allowance in respect of a severely disabled person for the purposes of section 70 of the Contributions and Benefits Act”.

(4) In regulation 7—

(a) in paragraph (1), for “section 70(7)” substitute “section 70(7) and (7ZA)”;

(b) after paragraph (1) insert—

“(1A) For the purposes of section 70(7ZB) and (7ZC) of the Contributions and Benefits Act, which provides that where, apart from that section, one person (A) has an entitlement to carer support payment and another person (B) would have a relevant entitlement for the same day in respect of the same severely disabled person, persons A and B may jointly elect in the prescribed manner that B is to have that entitlement, an election shall be made by giving the Department a notice in writing signed by both A and B specifying that B

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(a) S.R. 1975 No. 113; relevant amending instruments are S.R. 1976 No. 99, S.R. 1978 No. 77, S.R. 1987 No. 153, S.R. 1988 No. 326, S.R. 1996 No. 430, S.R. 2002 No. 80, S.R. 2002 No. 323, S.R. 2005 No. 536, S.R. 2011 No. 291 and S.R. 2017 No. 66.

(b) S.R. 1976 No. 99; relevant amending instruments are S.R. 1996 No. 11, 1996 No. 521, S.R. 2002 No. 323 and S.R. 2016 No. 236.

shall have the relevant entitlement and A shall not have an entitlement to carer support payment.”;

(c) in paragraph (2)—

(i) for “paragraph (1)”, substitute “paragraph (1) or (1A)”;

(ii) after “a carer’s allowance”, insert “, carer support payment”.

(5) In regulation 9 (conditions relating to residence and presence in Northern Ireland), after paragraph (1) insert—

“(1B) A person who, by virtue of regulation 42(1) of the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023, is to be treated as satisfying regulation 6(1)(a) of those Regulations (condition of being ordinarily resident in Scotland) for a period of 13 weeks is to be treated, for that period, as not satisfying the condition in paragraph (1)(a) of this regulation.”.

(6) The manner of election specified in regulation 7(1A) (as inserted by paragraph (4)(b) above) is to be regarded as being the “prescribed manner” within the meaning of section 70(7ZC) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.

### **Amendment of the Social Security (Widow’s Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979**

**30.**—(1) The Social Security (Widow’s Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979(a) are amended as follows.

(2) In regulation 4(1)(b) (days to be treated as days of increment)—

(a) at the end of head (iv) for “and” substitute “or”;

(b) after head (iv) insert—

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

### **Amendment of the Income Support (General) Regulations (Northern Ireland) 1987**

**31.**—(1) The Income Support (General) Regulations (Northern Ireland) 1987(b) are amended as follows.

(2) In regulation 2(1) (interpretation), after the definition of “board and lodging accommodation” 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”;

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(a) S.R. 1979 No. 243.

(b) S.R. 1987 No. 459; relevant amending instruments are S.R. 1988 No. 146, S.R. 1990 No. 346, S.R. 1991 No. 338, S.R. 1992 No. 6, S.R. 1993 No. 120, S.R. 1994 No. 327, S.R. 1996 No. 199, S.R. 2000 Nos. 74 and 366, S.R. 2002 Nos. 80, 322 and 323, S.R. 2003 No. 417, S.R. 2007 No. 154, S.R. 2011 Nos. 109 and 291, S.I. 2013/3021, S.R. 2016 Nos. 228 and 236, S.I. 2021/786 and S.I. 2022/177.

- (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 (3ZA), after “carer’s allowance” insert “, carer support payment”;
    - (iv) in sub-paragraph (3A)(b), after “carer’s allowance”, in both places it occurs, insert “or 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) 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”;
    - (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 75 add—
- “76. 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 (Northern Ireland) 1987**

32.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(a) are amended as follows.

- (2) In regulation (2)(1) (interpretation), after the definition of “budgeting loan” insert—

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(a) S.R. 1987 No. 465; relevant amending instruments are S.R. 2010 No. 337 and S.R. 2011 No. 296.

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

(3) In regulation 3A(6) (notification that claim not required for entitlement to a category a or b retirement pension) in the definition "non-exempt benefit", after sub-paragraph (a) insert—

“(aa) carer support payment;”.

### **Amendment of the Income Support (Liable Relatives) Regulations (Northern Ireland) 1990**

**33.** In regulation 2(1)(e) of the Income Support (Liable Relatives) Regulations (Northern Ireland) 1990 (prescribed amounts for the purposes of Article 25A of the Order)(a), after “carer’s allowance” insert “or carer support payment under the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023(b)”.

### **Amendment of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996**

**34.—**(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(c) are amended as follows.

(2) In regulation 1(2) (citation, commencement, interpretation and application), after the definition of “board and lodging accommodation” 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 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.”.

(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 Article 3(2B)(b) of the Order), 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—

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(a) S.R. 1990 No. 375, amended by S.R. 2002 No. 323.

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

(c) S.R. 1996 No. 198; relevant amending instruments are S.R. 1996 No. 356, S.R. 2000 Nos. 74, 350 and 366, S.R. 2001 No. 120, S.R. 2002 Nos. 80, 322 and 323, S.R. 2003 Nos. 154 and 417, S.R. 2007 No. 154, S.R. 2008 No. 286, S.R. 2011 No. 291, S.I. 2013/3021, S.R. 2016 Nos. 228 and 236, S.I. 2021/786, S.I. 2022/177 and S.R. 2023 No. 150.

- “(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”;
  - (v) in sub-paragraph (9), after “carer’s allowance” insert “or 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 each place 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 sub-paragraph (4)(b), after “carer’s allowance”, in both places it occurs, insert “or carer support payment”;
  - (iii) in sub-paragraph (6), after “carer’s allowance” insert “or carer support payment”;
  - (iv) in sub-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 (3A)(c), after “that allowance” insert “or payment”;
  - (iv) 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 5 (sums to be disregarded in the 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 5A (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 6 (sums to be disregarded in the calculation of income other than earnings), after paragraph 73 add—
- “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 Benefits Act.”.

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

**35.—**(1) The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(a) are amended as follows.

(2) In regulation 1(2) (citation, commencement, application and interpretation), after the definition of “bereavement benefit” 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 7(2)(bc), after “carer’s allowance”, in both places it occurs, insert “or carer support payment”.

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(a) S.R. 1999 No. 162, amended by S.R. 2008 No. 417.

### **Amendment of the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2001**

36. In regulation 5(4)(b) of the Social Security (Work-focused interviews) Regulations (Northern Ireland) 2001 (continuing entitlement dependent upon an interview)(a), after “carer’s allowance” insert “, or to 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) Regulations (Northern Ireland) 2001**

37. In regulation 2ZB(5)(a) of the Social Security (Work-focused Interviews for Lone Parents) Regulations (Northern Ireland) 2001 (general requirement for lone parents entitled to income support to take part in an interview)(b), 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 (Northern Ireland) 2003**

38.—(1) The State Pension Credit Regulations (Northern Ireland) 2003(c) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation), after the definition of “board and lodging accommodation” 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 Contributions and Benefits Act (carer’s allowance)” insert “or carer support payment”.

(4) In regulation 15 (income for the purposes of the Act), after paragraph (4)(f) insert—

“(g) regulation 16(2) of the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023.”.

(5) In regulation 18(1CA) (notional income), after “1979” insert “or regulation 16(2) of the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023”.

(6) In Schedule 1 (circumstances in which persons are treated as being or not being severely disabled)—

(a) in paragraph 1—

(i) in sub-paragraph (1)(a)(iii) after “(carer’s allowance)” insert “or carer support payment”;

(ii) in sub-paragraph (1)(b)—

(aa) after “and either a person is entitled to, and in receipt of, an allowance under section 70 of the Contributions and Benefits 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”;

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(a) S.R. 2001 No. 176, amended by S.R. 2002 No. 323.

(b) S.R. 2001 No. 152, amended by S.R. 2011 No. 368.

(c) S.R. 2003 No. 28; relevant amending instruments are S.R. 2005 No. 424, S.R. 2007 No. 154, S.R. 2016 No. 236, S.R. 2021 No. 396 and S.R. 2023 No. 150.



- (iii) in sub-paragraph (1)(c)(iv) after “no person is entitled to and in receipt of an allowance under section 70 of the Contributions and Benefits 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 Contributions and Benefits Act” insert “or carer support payment”;
  - (b) in paragraph 4—
    - (i) in sub-paragraph (2) after “an allowance under section 70 of the Contributions and Benefits 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) after “allowance”, in each place it occurs, insert “or payment”;
  - (c) in paragraph 5 after “allowance under section 70 of the Contributions and Benefits Act” insert “or carer support payment”.
- (7) In paragraph 1(10)(d) of Schedule 3 (special groups), after “allowance under section 70 of the Contributions and Benefits 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 add—
- “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 Contributions and Benefits Act.”.

**Amendment of the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003**

**39.** In regulation 3(4)(a) of the Social Security (Work-focused Interviews) Regulations (Northern Ireland) 2003 (continuing entitlement to a full amount of a specified benefit dependent on an interview)(a), after “carer’s allowance” insert “or carer support payment under the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023(b)”.

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

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

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

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

**41.** In regulation 3(1)(a) of the Social Security (Deferral of Retirement Pensions) Regulations (Northern Ireland) 2005 (amount of retirement pension not included in the calculation of the lump sum)(d), after head (iv) insert—

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

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(a) S.R. 2003 No. 274, amended by S.R. 2011 No. 368.  
 (b) S.S.I. 2023/302.  
 (c) S.R. 2005 No. 506; relevant amending instruments are S.R. 2013 No. 3021 and S.R. 2015 No. 58.  
 (d) S.R. 2005 No. 120, amended by S.R. 2005 No. 299 and S.R. 2011 No. 109.

## **Amendment of the Housing Benefit Regulations (Northern Ireland) 2006**

42.—(1) The Housing Benefit Regulations (Northern Ireland) 2006(a) are amended as follows.

(2) In regulation 2(1) (interpretation), after the definition of “broad rental market determination” 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 73F(1) (exception to the benefit cap: receipt of specified benefit), after sub-paragraph (ha) insert—

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

(4) In Schedule 4 (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 “, carer support payment”;

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

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

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

(iii) in sub-paragraphs (5)(b) and (6), after “carer’s allowance”, in each place it occurs, 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”;

(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)—

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(a) S.R. 2006 No. 405; relevant amending instruments are S.R. 2016 No. 55 and S.R. 2016 No. 375.

- (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 5 (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 6 (sums to be disregarded in the calculation of income other than earnings), after paragraph 70 insert—
 

“71. 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 (Northern Ireland) 2006**

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

(2) In regulation 2 (interpretation), after the definition of “broad rental market area determination” 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 27 (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 4 (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)”;
- (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”;

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(a) S.R. 2006 No. 406, amended by S.R. 2023 No. 150.

- (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”;
  - (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 6 (amounts to be disregarded in the calculation of income other than earnings), after paragraph 25 insert—

“26. 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 (Northern Ireland) 2008**

44.—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2008(a) 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 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)”;

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(a) S.R. 2008 No. 280, amended by S.R. 2016 No. 236.

- (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 68 insert—

“69. 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 (Northern Ireland) 2010**

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

(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 “, 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”;

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(a) S.R. 2010 No. 82.

(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) (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 (Northern Ireland) 2011**

**46.**—(1) The Employment and Support Allowance (Work-related Activity) Regulations (Northern Ireland) 2011(a) 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) not entitled to carer support payment; and”.

#### **Amendment of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012**

**47.** In regulation 43(1) of the Child Support Maintenance Calculation Regulations (Northern Ireland) 2012 (flat rate)(b)—

(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 State Pension Regulations (Northern Ireland) 2015**

**48.** In regulation 11 of the State Pension Regulations (Northern Ireland) 2015 (days which are not included in determining the period of deferral)(c), after sub-paragraph (2)(a)(vi) insert—

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

#### **Amendment of the Employment and Support Allowance Regulations (Northern Ireland) 2016**

**49.**—(1) The Employment and Support Allowance Regulations (Northern Ireland) 2016(d) are amended as follows.

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

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(a) S.R. 2011 No. 265, amended by S.R. 2011 No. 368.

(b) S.R. 2012 No. 427, amended by S.R. 2015 No. 411.

(c) S.R. 2015 No. 315.

(d) S.R. 2016 No. 219.

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

(3) In regulation 9(2)(a) (relaxation of the first contribution condition), after “carer’s allowance” insert “or have entitlement to 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—

“(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 Northern Ireland 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 Jobseeker’s Allowance Regulations (Northern Ireland) 2016**

**50.**—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 2016(b) 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;”.

(3) In regulation 35(1) (waiting days), for “or carer’s allowance” substitute “, carer’s allowance or carer support payment”.

(4) In regulation 38 (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 41(3)(c)(iii) (remunerative work), after “carer’s allowance under section 70 of the Benefits Act” insert “or carer support payment”.

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

(b) S.R. 2016 No. 218.

## **Amendment to the Universal Credit Regulations (Northern Ireland) 2016**

- 51.**—(1) The Universal Credit Regulations (Northern Ireland) 2016(a) are amended as follows.
- (2) In regulation 2(1) (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 30(1) (award to include the carer element)—
- (a) for “section 70(7)” substitute “section 70”;
- (b) after “carer’s allowance” insert “or carer support payment”.
- (4) In regulation 31 (meaning of “regular and substantial caring responsibilities for a severely disabled person”)—
- (a) for paragraph (1) substitute—
- “(1) For the purposes of Part 2 of the Order and these Regulations, a person has regular and substantial caring responsibilities 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 Northern Ireland 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—
- “(iii) 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 (j) insert—
- “(ja) a claimant, or a qualifying young person for whom a claimant is responsible, is entitled to carer support payment;”.
- (7) In regulation 88(1)(b) (claimants subject to no work-related requirements) after “carer’s allowance” insert “or carer support payment”.
- (8) After paragraph 15(2)(g) of Schedule 4 (no deduction for housing cost contributions in respect of certain non-dependants) insert—
- “(ga) in receipt of carer support payment;”.

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(a) S.R. 2016 No. 216.



**Amendment of the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016**

52. In paragraph 8 of Schedule 2 to the Universal Credit (Transitional Provisions) Regulations (Northern Ireland) 2016 (claimants previously entitled to a severe disability premium)(a)—

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

“(3) In sub-paragraph (2) “carer support payment” means carer’s assistance given in accordance with the Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023.”.

Signed by authority of the Secretary of State for Work and Pensions

At 10.30 a.m. on 16th November 2023

*Tom Pursglove*  
Minister of State  
Department for Work and Pensions

**EXPLANATORY NOTE**

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

The Carer’s Assistance (Carer Support Payment) (Scotland) Regulations 2023 (S.S.I. 2023/302) introduce arrangements for the payment of carer’s assistance in the form of carer support payment. Carer support payment replaces carer’s allowance as the benefit paid to those in Scotland with eligible caring responsibilities for a disabled person.

This instrument makes consequential amendments to social security legislation in England and Wales, Scotland and Northern Ireland, as the case may be, governing entitlement to certain benefits.

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

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(a) S.R. 2016 No. 226; relevant amending instruments are S.R. 2021 No. 2 and S.R. 2023 No. 93.





