

# **CARER’S ALLOWANCE SUPPLEMENT (SCOTLAND) BILL**

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## **EXPLANATORY NOTES**

### **INTRODUCTION**

1. As required under Rule 9.3.2A of the Parliament’s Standing Orders, these Explanatory Notes are published to accompany the Carer’s Allowance Supplement (Scotland) Bill (“the Bill”), introduced in the Scottish Parliament on 22 June 2021.
2. The following other accompanying documents are published separately:
  - a Financial Memorandum (SP Bill 2–FM);
  - a Policy Memorandum (SP Bill 2–PM);
  - a Delegated Powers Memorandum (SP 2–DPM);
  - statements on legislative competence by the Presiding Officer and the Scottish Government (SP 2–LC).
3. These Explanatory Notes have been prepared by the Scottish Government in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by the Parliament.
4. These Notes should be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. So where a section, or a part of a section, does not seem to require any explanation or comment, none is given.

### **THE BILL**

5. The purpose of the Bill is firstly to make provision for a further payment of an increased Carer’s Allowance Supplement to carers in Scotland as a result of the effect of coronavirus. Secondly, the Bill is to confer a power to make regulations to allow for greater flexibility to enable the Scottish Ministers to increase the amount of future payments of Carer’s Allowance Supplement if Ministers consider it appropriate for additional financial support to be made to unpaid carers.

### **BACKGROUND**

6. The Scotland Act 2016 devolved new social security powers to Scotland, giving the Scottish Parliament the power to create additional benefits, replace existing benefits with new benefits or other payments and to determine the structure and value of such provision. The legal

framework under which nine types of social security assistance,<sup>1</sup> as well as carer’s allowance supplement, would be given to people by the Scottish Government was then outlined in the Social Security (Scotland) Act 2018 (“the 2018 Act”).

7. Section 81 of the 2018 Act placed a statutory duty on the Scottish Ministers to pay a supplement on a twice-yearly basis to persons who, on the qualifying date for the supplement, were in receipt of Carer’s Allowance and resident in Scotland (or otherwise met the eligibility conditions referred to in section 81(2A) of the 2018 Act). The section provides for the Scottish Ministers to determine the “qualifying date”<sup>2</sup> in each half of the financial year and for the calculation of the amount of the supplement (currently 26 times the difference between weekly rate of Carer’s Allowance and uprated Jobseeker’s Allowance on the qualifying date for each supplement).

8. Paragraph 6 of schedule 1 of the Coronavirus (Scotland) (No.2) Act 2020 made a temporary modification of section 81 of the 2018 Act (inserting a subsection (4A) and a reference to that subsection in subsection (4)) providing that the amount of carer’s allowance supplement in respect of the period of 1 April 2020 to 30 September 2020 is £230.10 greater than the amount calculated in accordance with the formula in section 81(4) of the 2018 Act, in effect doubling the amount of the supplement in respect of that period. It is anticipated that this temporary modification will expire (subject to saving provision by virtue of sections 15 and 16, as read with section 18, of the Interpretation and Legislative Reform (Scotland) Act 2010) on 30 September 2021 in accordance with section 2(7)(b) of the Coronavirus (Extension and Expiry) (Scotland) Bill. Section 1 of this Bill makes similar provision increasing the amount of the carer’s allowance supplement in respect of the period of 1 October 2021 to 31 March 2022 by providing that the amount is £231.40 greater than the amount calculated according to the formula in section 81(4) of the 2018, again in effect doubling the amount of the payment of carer’s allowance supplement in respect of that period.

## **DETAILED PROVISIONS**

### **Increased amount of carer’s allowance supplement in respect of the period of 1 October 2021 to 31 March 2022**

9. Section 1 inserts a new subsection (4B) into section 81 of the 2018 Act providing that the amount of a carer’s allowance supplement in respect of the period of 1 October 2021 to 31 March 2022 is £231.40 greater than that calculated according to the formula in section 81(4) of that Act.

### **Power to increase amount of carer’s allowance supplement**

10. Section 2 inserts a new subsection (4C) into section 81 of the 2018 Act. Subsection (4C) allows the Scottish Ministers, by regulations, to modify section 81 of that Act so as to provide that the amount of a carer’s allowance supplement in respect of a specified period is an amount greater than the amount calculated according to the formula in section 81(4) of that Act.

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<sup>1</sup> The nine types of social security assistance are carer’s assistance, cold-spell heating assistance, winter heating assistance, disability assistance, early years assistance, employment-injury assistance, funeral expense assistance, housing assistance and short-term assistance.

<sup>2</sup> A date determined by the Scottish Ministers which falls within the 6-month period to which the payment relates.

*This document relates to the Carer's Allowance Supplement (Scotland) Bill (SP Bill 2) as introduced in the Scottish Parliament on 22 June 2021*

## **Commencement**

11. Section 3(1) provides that sections 1, 3 and 4 come into force on the day after Royal Assent. Section 3(2) provides that section 2 comes into force on such day as the Scottish Ministers may by regulations appoint. Regulations under section 3(2) may include transitional, transitory or saving provision in connection with the bringing into force of section 2 (see section 3(3)).

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