

## 02-26: The Social Security (Scotland) Act 2018 (Carer’s Assistance) (Consequential Modifications) Order 2026

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### Introduction

**1.** This memo gives guidance on The Social Security (Scotland) Act 2018 (Carer’s Assistance) (Consequential Modifications) Order 2026<sup>1</sup> which came into force on 15.03.26.

*[1 SI 2026 \(link is external\)](#)*

### Background

**2.** This order<sup>1</sup> makes changes to social security legislation to reflect additional elements to Scottish Carer’s Assistance, such as extending the run-on period for which a carer will receive Scottish carer support after the death of their cared-for person, from the current eight weeks to a period of twelve weeks, as well a change in definition for “carer support payment”.

*[1 SI 2026 \(link is external\)](#)*

## Capital Disregards

3. When considering whether a claimant has any applicable capital disregards,

1. Scottish carer supplement
2. carer additional person payment
3. any amount of the carer support payment component in excess of the amount the claimant would receive if they had an entitlement to CA.

are social security benefits which are not included as unearned income<sup>1</sup>.

1 [UC Regs, Sch 10, para 18\(2\)](#)

## Definitions

4. Within the UC<sup>1</sup>, JSA<sup>2</sup> and ESA<sup>3</sup> regulations where "carer support payment" is defined, "carers assistance" is substituted by the carer support payment component of carer support".

1 [UC Regs 13, Part 1, Reg 2](#)

2 [JSA Regs 13, Part 1, Reg 2](#)

3 [ESA Regs 13, Part 1, Reg 2](#)

## Employment and Support Allowance

5. Within the ESA Regulations<sup>1</sup> "carer support payment" is substituted by "carer support given in accordance with the Carer's Assistance" (Carer Support Payment) (Scotland) Regulations 2023", when calculating a claimant's income where ESA entitlement is for less than a week.

1 [ESA Regs 2013, Part 13, Reg 100\(b\)](#)

## Social Fund Funeral Payment

6. Within the Social Fund Funeral Payment Regulations<sup>1</sup>, "carer support payment" is substituted by "carer support" within the list of benefits which arrears are not counted as assets when considering deductions to the amount of award of funeral payment.

1 [SFME \(Gen\) Regs, reg 10\(1A\)\(ca\)](#)

## Universal Credit (Transitional Protections)

7. Within the UC (TP) Regulations<sup>1</sup>, "carers assistance" is substituted by "the carer support payment

component of carer support” within the list of benefits where, if in receipt, the claimant can be considered a carer.

*1 [UC \(TP\) Regs 2014, Sch 2, para 8\(2\)](#)*

## **Annotations**

The number of this memo should be annotated against the following ADM paragraphs; [ADM Memo18-23](#), [H2152](#), [U1085](#), [U1303](#), [M6764](#), [R1027](#), [R2702](#), [R2252](#), [ADM L3408](#), [Appendix 1 to ADM Chapter L3](#), [V1324](#).

## **Contacts**

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 3E zone E, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in – Memo [4/19](#) Requesting case guidance from DMA Leeds for all benefits.

**DMA Leeds: March 2026**