



Welfare Reform Act 2012

2012 CHAPTER 5

PART 1

UNIVERSAL CREDIT

CHAPTER 3

SUPPLEMENTARY AND GENERAL

General

37 Capability for work or work-related activity

- (1) For the purposes of this Part a claimant has limited capability for work if—
 - (a) the claimant's capability for work is limited by their physical or mental condition, and
 - (b) the limitation is such that it is not reasonable to require the claimant to work.
- (2) For the purposes of this Part a claimant has limited capability for work-related activity if—
 - (a) the claimant's capability for work-related activity is limited by their physical or mental condition, and
 - (b) the limitation is such that it is not reasonable to require the claimant to undertake work-related activity.
- (3) The question whether a claimant has limited capability for work or work-related activity for the purposes of this Part is to be determined in accordance with regulations.
- (4) Regulations under this section must, subject as follows, provide for determination of that question on the basis of an assessment (or repeated assessments) of the claimant.
- (5) Regulations under this section may for the purposes of an assessment—

Status: Point in time view as at 25/02/2013. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Welfare Reform Act 2012, Cross Heading: General is up to date with all changes known to be in force on or before 07 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) require a claimant to provide information or evidence (and may require it to be provided in a prescribed manner or form);
 - (b) require a claimant to attend and submit to a medical examination at a place, date and time determined under the regulations.
- (6) Regulations under this section may make provision for a claimant to be treated as having or not having limited capability for work or work-related activity.
- (7) Regulations under subsection (6) may provide for a claimant who fails to comply with a requirement imposed under subsection (5) without a good reason to be treated as not having limited capability for work or work-related activity.
- (8) Regulations under subsection (6) may provide for a claimant to be treated as having limited capability for work until—
- (a) it has been determined whether or not that is the case, or
 - (b) the claimant is under any other provision of regulations under subsection (6) treated as not having it.
- (9) Regulations under this section may provide for determination of the question of whether a claimant has limited capability for work or work-related activity even where the claimant is for the time being treated under regulations under subsection (6) as having limited capability for work or work-related activity.

Commencement Information

II S. 37(3)-(7) in force at 25.2.2013 by S.I. 2013/358, art. 2(2), Sch. 2 para. 17

VALID FROM 29/04/2013

38 Information

Information supplied under Chapter 2 of this Part or section 37 is to be taken for all purposes to be information relating to social security.

39 Couples

- (1) In this Part “couple” means—
- (a) a man and woman who are married to each other and are members of the same household;
 - (b) a man and woman who are not married to each other but are living together as husband and wife;
 - (c) two people of the same sex who are civil partners of each other and are members of the same household;
 - (d) two people of the same sex who are not civil partners of each other but are living together as civil partners.
- (2) For the purposes of this section, two people of the same sex are to be treated as living together as if they were civil partners if, and only if, they would be treated as living together as husband and wife were they of opposite sexes.
- (3) For the purposes of this section regulations may prescribe—

Status: Point in time view as at 25/02/2013. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Welfare Reform Act 2012, Cross Heading: General is up to date with all changes known to be in force on or before 07 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) circumstances in which the fact that two persons are husband and wife or are civil partners is to be disregarded;
- (b) circumstances in which a man and a woman are to be treated as living together as husband and wife;
- (c) circumstances in which people are to be treated as being or not being members of the same household.

Commencement Information

I2 S. 39(3)(a) in force at 25.2.2013 by S.I. 2013/358, art. 2(2), Sch. 2 para. 18

40 Interpretation of Part 1

In this Part—

- “assessment period” has the meaning given by section 7(2);
- “child” means a person under the age of 16;
- “claim” means claim for universal credit;
- “claimant” means a single claimant or each of joint claimants;
- “couple” has the meaning given by section 39;
- “disabled” has such meaning as may be prescribed;
- “joint claimants” means members of a couple who jointly make a claim or in relation to whom an award of universal credit is made;
- “limited capability for work” and “limited capability for work-related activity” are to be construed in accordance with section 37(1) and (2);
- “prescribed” means specified or provided for in regulations;
- “primary legislation” means an Act, Act of the Scottish Parliament or Act or Measure of the National Assembly for Wales;
- “qualifying young person” has the meaning given in section 10(5);
- “regular and substantial caring responsibilities” has such meaning as may be prescribed;
- “responsible carer”, in relation to a child, has the meaning given in section 19(6);
- “secondary legislation” means an instrument made under primary legislation”;
- “severely disabled” has such meaning as may be prescribed;
- “single claimant” means a single person who makes a claim for universal credit or in relation to whom an award of universal credit is made as a single person;
- “single person” is to be construed in accordance with section 1(2)(a);
- “work” has such meaning as may be prescribed;
- “work availability requirement” has the meaning given by section 18(1);
- “work preparation requirement” has the meaning given by section 16(1);
- “work search requirement” has the meaning given by section 17(1);
- “work-focused interview requirement” has the meaning given by section 15(1);
- “work-related activity”, in relation to a person, means activity which makes it more likely that the person will obtain or remain in work or be able to do so;

Status: Point in time view as at 25/02/2013. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Welfare Reform Act 2012, Cross Heading: General is up to date with all changes known to be in force on or before 07 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“work-related requirement” has the meaning given by section 13(2).

Commencement Information

I3 S. 40 in force at 25.2.2013 by S.I. 2013/358, art. 2(2), Sch. 2 para. 19

Status:

Point in time view as at 25/02/2013. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation:

Welfare Reform Act 2012, Cross Heading: General is up to date with all changes known to be in force on or before 07 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.