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STATUTORY INSTRUMENTS

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**1991 No. 2740**

**The Social Security (Attendance Allowance) Regulations 1991**

**Renal dialysis**

**5. –**

(1) Subject to paragraph (3), a person who suffers from renal failure and who is undergoing the treatment specified in paragraph (2) shall be deemed to satisfy the conditions–

- (a) in section 35(1)(a) of the Act (severe physical and mental disability) if he undergoes renal dialysis by day;
- (b) in section 35(1)(b) of the Act if he undergoes renal dialysis by night;
- (c) in either paragraph (a) or paragraph (b) of section 35(1) of the Act, but not both, if he undergoes renal dialysis by day and by night.

(2) The treatment referred to in paragraph (1) is the undergoing of renal dialysis–

- (a) two or more times a week; and
- (b) which either–
  - (i) is of a type which normally requires the attendance of or supervision by another person during the period of dialysis, or
  - (ii) which, because of the particular circumstances of his case, in fact requires another person, during the period of dialysis, to attend in connection with the bodily functions of the person undergoing renal dialysis or to supervise that person in order that he avoids substantial danger to himself.

(3) Except as provided in paragraph (4), paragraph (1) does not apply to a person undergoing the treatment specified in paragraph (2) where the treatment–

- (a) is provided under the NHS Act of 1977 or the NHS Act of 1978;
- (b) is in a hospital or similar institution;
- (c) is out-patient treatment; and
- (d) takes place with the assistance or supervision of any member of staff of the hospital or similar institution.

(4) Paragraph (3) does not apply for the purposes of determining whether a person is to be taken to satisfy either of the conditions specified in paragraph (1) during the period of 6 months referred to in section 35(2)(b) of the 1975 Act (qualifying period for attendance allowance).