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STATUTORY INSTRUMENTS

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**1991 No. 2890**

**The Social Security (Disability  
Living Allowance) Regulations 1991**

**PART III**

**CARE COMPONENT**

**Renal Dialysis**

7.—(1) A person who suffers from renal failure and falls within the provisions in paragraph (2) shall be taken to satisfy—

- (a) where he undergoes renal dialysis by day, the conditions in paragraph (b) of subsection (1) of section 37ZB of the Act (severe physical or mental disability);
- (b) where he undergoes renal dialysis by night, the conditions in paragraph (c) of that subsection; or
- (c) where he undergoes renal dialysis by day and by night, the conditions in either paragraph (b) or paragraph (c) of subsection (1), but not both.

(2) Subject to paragraph (3), a person falls within this paragraph—

- (a) if—
  - (i) he undergoes renal dialysis two or more times a week; and
  - (ii) the renal dialysis he undergoes is of a type which normally requires the attendance or supervision of another person during the period of the dialysis; or
  - (iii) because of the particular circumstances of his case he in fact requires another person, during the period of the dialysis, to attend in connection with his bodily functions or to supervise him in order to avoid substantial danger to himself; and
- (b) if, where he undergoes dialysis as an out-patient in a hospital or similar institution, being treatment provided under the NHS Act of 1977 or the NHS Act of 1978, no member of the staff of the hospital or institution assists with or supervises the dialysis.

(3) Paragraph (2)(b) does not apply for the purpose of determining whether a person is to be taken to satisfy any of the conditions mentioned in paragraph (1) during the period of 3 months referred to in section 37ZB(2)(a)(i) of the Act (qualifying period for a care component).

(4) Except to the extent that provision is made in paragraph (2)(b), a person who undergoes treatment by way of renal dialysis as an out-patient in a hospital or similar institution, being treatment provided under the NHS Act of 1977 or the NHS Act of 1978, shall not be taken solely by reason of the fact that he undergoes such dialysis, as satisfying any of the conditions mentioned in subsection (1)(a) to (c) of section 37ZB of the Act.