
STATUTORY INSTRUMENTS

2013 No. 376

The Universal Credit Regulations 2013

PART 5

CAPABILITY FOR WORK OR WORK-RELATED ACTIVITY

Limited capability for work

- 39.**—(1) A claimant has limited capability for work if—
- (a) it has been determined that the claimant has limited capability for work on the basis of an assessment under this Part or under Part 4 of the ESA Regulations; or
 - (b) the claimant is to be treated as having limited capability for work (see paragraph (6)).
- (2) An assessment under this Part is an assessment as to the extent to which a claimant who has some specific disease or bodily or mental disablement is capable of performing the activities prescribed in Schedule 6 or is incapable by reason of such disease or bodily or mental disablement of performing those activities.
- (3) A claimant has limited capability for work on the basis of an assessment under this Part if, by adding the points listed in column (3) of Schedule 6 against each descriptor listed in column (2) of that Schedule that applies in the claimant's case, the claimant obtains a total score of at least—
- (a) 15 points whether singly or by a combination of descriptors specified in Part 1 of that Schedule;
 - (b) 15 points whether singly or by a combination of descriptors specified in Part 2 of that Schedule; or
 - (c) 15 points by a combination of descriptors specified in Parts 1 and 2 of that Schedule.
- (4) In assessing the extent of a claimant's capability to perform any activity listed in Schedule 6, it is a condition that the claimant's incapability to perform the activity arises—
- (a) in respect of any descriptor listed in Part 1 of Schedule 6, from a specific bodily disease or disablement;
 - (b) in respect of any descriptor listed in Part 2 of Schedule 6, from a specific mental illness or disablement; or
 - (c) in respect of any descriptor or descriptors listed in—
 - (i) Part 1 of Schedule 6, as a direct result of treatment provided by a registered medical practitioner for a specific physical disease or disablement, or
 - (ii) Part 2 of Schedule 6, as a direct result of treatment provided by a registered medical practitioner for a specific mental illness or disablement.
- (5) Where more than one descriptor specified for an activity applies to a claimant, only the descriptor with the highest score in respect of each activity which applies is to be counted.
- (6) A claimant is to be treated as having limited capability for work if any of the circumstances set out in Schedule 8 applies.