Changes to legislation: *The Universal Credit Regulations 2013, Section 39 is up to date with all changes known to be in force on or before 25 September 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) View outstanding changes*

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) **[**[F1]Subject to paragraph (7),**]** a claimant is to be treated as having limited capability for work if any of the circumstances set out in Schedule 8 applies.

[[F2](7) Where the circumstances set out in paragraph 4 or 5 of Schedule 8 apply, a claimant may only be treated as having limited capability for work if the claimant does not have limited capability for work as determined in accordance with an assessment under this Part.**]**

Textual Amendments

F1 Words in reg. 39(6) inserted (28.4.2014) by The Universal Credit and Miscellaneous Amendments Regulations 2014 (S.I. 2014/597), regs. 1, **2(4)(a)**

F2 Reg. 39(7) inserted (28.4.2014) by The Universal Credit and Miscellaneous Amendments Regulations 2014 (S.I. 2014/597), regs. 1, **2(4)(b)**

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:
Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Table of Contents words inserted by S.I. 2018/65 reg. 3(2)(b) (This amendment not applied to legislation.gov.uk. The table of contents for this legislation will be dynamically updated when its provisions are revised)
- Table of Contents words inserted by S.I. 2018/65 reg. 3(2)(b) (This amendment not applied to legislation.gov.uk. The table of contents for this legislation will be dynamically updated when its provisions are revised)
- Table of Contents words omitted by S.I. 2018/65 reg. 3(2)(a) (This amendment not applied to legislation.gov.uk. The table of contents for this legislation will be dynamically updated when its provisions are revised)
- Table of Contents words omitted by S.I. 2018/65 reg. 3(2)(c)(i) (This amendment not applied to legislation.gov.uk. The table of contents for this legislation will be dynamically updated when its provisions are revised)
- Table of Contents words omitted by S.I. 2018/65 reg. 3(2)(c)(ii) (This amendment not applied to legislation.gov.uk. The table of contents for this legislation will be dynamically updated when its provisions are revised)
- Table of Contents words omitted by S.I. 2018/65 reg. 3(2)(a) (This amendment not applied to legislation.gov.uk. The table of contents for this legislation will be dynamically updated when its provisions are revised)
- Table of Contents words omitted by S.I. 2018/65 reg. 3(2)(c)(i) (This amendment not applied to legislation.gov.uk. The table of contents for this legislation will be dynamically updated when its provisions are revised)
- Table of Contents words omitted by S.I. 2018/65 reg. 3(2)(c)(ii) (This amendment not applied to legislation.gov.uk. The table of contents for this legislation will be dynamically updated when its provisions are revised)
- Table of Contents words omitted by S.I. 2020/618 reg. 8(3)(a) (This amendment not applied to legislation.gov.uk. The table of contents for this legislation will be dynamically updated when its provisions are revised)
- Table of Contents words omitted by S.I. 2020/618 reg. 8(3)(a) (This amendment not applied to legislation.gov.uk. The table of contents for this legislation will be dynamically updated when its provisions are revised)
- Sch. 3 para. 5(3)(b)(iia) inserted by S.I. 2024/919 art. 14(6)
- Sch. 4 para. 12(3)(a)(iia) inserted by S.I. 2024/919 art. 14(7)(a)(i)
- Sch. 4 para. 12(6A)(iia) inserted by S.I. 2024/919 art. 14(7)(a)(ii)
- Sch. 4 para. 15(2)(ca) inserted by S.I. 2024/919 art. 14(7)(b)(i)
- Sch. 4 para. 15(2)(e)(vi) and word inserted by S.I. 2024/919 art. 14(7)(b)(ii)(cc)
- Sch. 4 para. 16(2)(da) inserted by S.I. 2024/919 art. 14(7)(c)(i)
- Sch. 4 para. 16(2)(f)(vi) and word inserted by S.I. 2024/919 art. 14(7)(c)(ii)(cc)
- reg. 14(1)(b) words inserted by S.I. 2024/919 art. 14(3)
- reg. 83(1)(h)(iva) word omitted by S.I. 2024/919 art. 14(5)(b)
- reg. 83(1)(h)(vi) and word inserted by S.I. 2024/919 art. 14(5)(c)
- reg. 83(1)(ca) inserted by S.I. 2024/919 art. 14(5)(a)