
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)**

Changes to legislation:

There are currently no known outstanding effects for the The Universal Credit Regulations 2013, Section 39.