SCHEDULE 8

Regulation 39(6)

Circumstances in which a claimant is to be treated as having limited capability for work

Receiving certain treatments

1. The claimant is receiving—

(a) regular weekly treatment by way of haemodialysis for chronic renal failure;

(b) treatment by way of plasmapheresis; or

(c) regular weekly treatment by way of total parenteral nutrition for gross impairment of enteric function,

or is recovering from any of those forms of treatment in circumstances in which the Secretary of State is satisfied that the claimant should be treated as having limited capability for work.

In hospital

2.—(1) The claimant is—

(a) undergoing medical or other treatment as **[**[F1]a patient**]** in a hospital or similar institution; or

(b) recovering from such treatment in circumstances in which the Secretary of State is satisfied that the claimant should be treated as having limited capability for work.

(2) The circumstances in which a claimant is to be regarded as undergoing treatment falling within sub-paragraph (1)(a) include where the claimant is attending a residential programme of rehabilitation for the treatment of drug or alcohol dependency.

(3) For the purposes of this paragraph, a claimant is to be regarded as undergoing treatment as a patient in a hospital or similar institution only if that claimant has been advised by a health care professional to stay **[**[F2]for a period of 24 hours or longer**]** following medical or other treatment.

Textual Amendments

F1 Words in Sch. 8 para. 2(1)(a) substituted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **38(10)**

F2 Words in Sch. 8 para. 2(3) substituted (29.7.2013) by The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2013 (S.I. 2013/1508), regs. 1(2)(a), **3(11)**

Prevented from working by law

3.—(1) The claimant—

(a) is excluded or abstains from work pursuant to a request or notice in writing lawfully made or given under an enactment; or

(b) is otherwise prevented from working pursuant to an enactment,

by reason of it being known or reasonably suspected that the claimant is infected or contaminated by, or has been in contact with a case of, a relevant infection or contamination.

(2) In sub-paragraph (1) "relevant infection or contamination" means—

(a) in England and Wales—

(i) any incidence or spread of infection or contamination, within the meaning of section 45A(3) of the Public Health (Control of Disease) Act 1984 [M1] in respect of which regulations are made under Part 2A of that Act (public health protection)

for the purpose of preventing, protecting against, controlling or providing a public health response to, such incidence or spread, or

(ii) tuberculosis or any infectious disease to which regulation 9 of the Public Health (Aircraft) Regulations 1979 (powers in respect of persons leaving aircraft) [M2] applies or to which regulation 10 of the Public Health (Ships) Regulations 1979 (powers in respect of certain persons on ships) [M3] applies; and

(b) in Scotland any—

(i) infectious disease within the meaning of section 1(5) of the Public Health etc (Scotland) Act 2008 [M4], or exposure to an organism causing that disease; or

(ii) contamination within the meaning of section 1(5) of that Act, or exposure to a contaminant,

to which sections 56 to 58 of that Act (compensation) apply.

Marginal Citations

M1 1984 c.22. Section 45A and Part 2A were inserted by section 129 of the Health Act 2008 (c.14).

M2 S.I. 1979/1434.

M3 S.I. 1979/1435. Regulation 10 was amended by S.I.s 2007/1446 and 1901.

M4 2008 asp 5.

Risk to self or others

4.—(1) The claimant is suffering from a specific illness, disease or disablement by reason of which there would be a substantial risk to the physical or mental health of any person were the claimant found not to have limited capability for work.

(2) This paragraph does not apply where the risk could be reduced by a significant amount by—

(a) reasonable adjustments being made in the claimant's workplace; or

(b) the claimant taking medication to manage their condition where such medication has been prescribed for the claimant by a registered medical practitioner treating the claimant.

Life threatening disease

5. The claimant is suffering from a life threatening disease in relation to which—

(a) there is medical evidence that the disease is uncontrollable, or uncontrolled, by a recognised therapeutic procedure; and

(b) in the case of a disease that is uncontrolled, there is a reasonable cause for it not to be controlled by a recognised therapeutic procedure.

Disabled and over the age for state pension credit

6. The claimant has reached the qualifying age for state pension credit and is entitled to disability living allowance**[**[F3], personal independence payment or adult disability payment**]**.

Textual Amendments

F3 Words in Sch. 8 para. 6 substituted (21.3.2022) by The Social Security (Disability Assistance for Working Age People) (Consequential Amendments) Order 2022 (S.I. 2022/177), arts. 1(2), **13(9)**

Changes to legislation:
There are currently no known outstanding effects for the The Universal Credit Regulations 2013, SCHEDULE 8.