



## 2008 CHAPTER 9

### *Recovery of mesothelioma and other lump sum payments*

#### **Amendment of Social Security (Recovery of Benefits) (Northern Ireland) Order 1997**

**8** After Article 3 of the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (NI 12) insert—

##### **“Lump sum payments: regulation-making power**

**3A.**—(1) The Department may by regulations make provision about the recovery of the amount of a payment to which paragraph (2) applies (a “lump sum payment”) where—

- (a) a compensation payment in consequence of a disease is made to or in respect of a person (“P”) to whom, or in respect of whom, a lump sum payment has been, or is likely to be, made, and
  - (b) the compensation payment is made in consequence of the same disease as the lump sum payment.
- (2) This paragraph applies to—
- (a) a payment made in accordance with the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 (in this Article referred to as “the 1979 Order”);
  - (b) a payment made in accordance with the Mesothelioma, etc., Act (Northern Ireland) 2008, and
  - (c) an extra-statutory payment (within the meaning given by paragraph (5)(d)).
- (3) Regulations under this Article may, in particular—

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*Changes to legislation: There are currently no known outstanding effects for the Mesothelioma, etc., Act (Northern Ireland) 2008, Section 8. (See end of Document for details)*

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- (a) make provision about the recovery of the amount of a lump sum payment made to or in respect of a dependant of P;
  - (b) make provision enabling the recovery of the amount of a lump sum payment from a compensation payment (including provision enabling the recovery of an amount which reduces the compensation payment to nil);
  - (c) enable the amount of a lump sum payment made before commencement to be recovered from a compensation payment made after commencement;
  - (d) make provision about certificates in respect of lump sum payments;
  - (e) apply any provision of this Order, with or without modifications.
- (4) References in paragraph (1) to a payment made in consequence of a disease—
- (a) are references to a payment made by or on behalf of a person who is, or is alleged to be, liable to any extent in respect of the disease, but
  - (b) do not include references to a payment mentioned in Part 1 of Schedule 1.
- (5) In this Article—
- (a) “commencement” means the date on which this Article comes into operation,
  - (b) “compensation payment” means a payment within Article 3(1)(a),
  - (c) “dependant” has the meaning given by Article 5 of the 1979 Order, and
  - (d) “extra-statutory payment” means a payment made by the Department to or in respect of a person following the rejection by the Department of a claim under the 1979 Order.”.

#### **Commencement Information**

- II** S. 8 wholly in operation at 1.10.2008; s. 8 not in operation at Royal Assent see s. 12(1); s. 8 in operation for the purpose only of authorising the making of regulations at 27.8.2008 and for all other purposes at 1.10.2008 by S.R. 2008/351, art. 2(1)(a)(b), Sch.

**Changes to legislation:**

There are currently no known outstanding effects for the Mesothelioma, etc., Act (Northern Ireland) 2008, Section 8.