
STATUTORY RULES OF NORTHERN IRELAND

2008 No. 354

SOCIAL SECURITY

The Mesothelioma Lump Sum Payments (Conditions and Amounts) Regulations (Northern Ireland) 2008

Made - - - - 27th August 2008

Coming into operation 1st October 2008

Approved by resolution of the Assembly on 17th February 2009

The Department for Social Development makes the following Regulations in exercise of the powers conferred by sections 1(3) and 2(1)(b) and (c), (2)(b) and (c), (3)(e) and (4)(d) of the Mesothelioma, etc., Act (Northern Ireland) 2008(1).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Mesothelioma Lump Sum Payments (Conditions and Amounts) Regulations (Northern Ireland) 2008 and shall come into operation on 1st October 2008.

(2) In these Regulations—

“the Act” means the Mesothelioma, etc., Act (Northern Ireland) 2008;

“claim” means a claim under section 1(1) of the Act;

“deceased” means a person who, immediately before death, had mesothelioma;

“enactment” includes any statutory provision;

“lump sum payment” means a payment under section 1(2) of the Act;

“mesothelioma” means “diffuse mesothelioma”;

“payment” includes a payment in money or money’s worth or in kind.

Commencement Information

II [Reg. 1](#) in operation at 1.10.2008, see [reg. 1\(1\)](#)

Disqualifying payments

2.—(1) The following payments are prescribed for the purposes of section 2(1)(a), (2)(a) and (3) (e) of the Act (payments which, if made in consequence of mesothelioma, prevent the conditions provided for in section 2(1)(a) and (2)(a) from being fulfilled)—

Status: Point in time view as at 01/04/2013.

Changes to legislation: There are currently no known outstanding effects for the The Mesothelioma Lump Sum Payments (Conditions and Amounts) Regulations (Northern Ireland) 2008. (See end of Document for details)

- (a) payment under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006(2);
 - (b) payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005(3);
 - (c) payment from any government department, authority, body corporate or employer exempted from insurance by or under Article 7 of the Employers' Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972(4) or section 3 of the Employers' Liability (Compulsory Insurance) Act 1969(5);
 - (d) payment under the UK Asbestos Trust established on 10th October 2006 for the benefit of certain persons suffering from asbestos-related diseases;
 - (e) payment under the EL Scheme Trust established on 23rd November 2006 for the benefit of certain persons suffering from asbestos-related diseases.
- (2) The following payments are prescribed for the purposes of section 2(1)(b) and (2)(b) of the Act (payments eligibility for which prevents the conditions provided for in section 2(1)(b) or (2)(b) from being fulfilled)—
- (a) payment under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006;
 - (b) payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005.

Commencement Information

I2 [Reg. 2](#) in operation at 1.10.2008, see [reg. 1\(1\)](#)

Disregarded payments

3. A payment made in error and which in consequence is liable to be repaid in accordance with an enactment or rule of law is to be disregarded for the purpose of section 2(1)(a) or (2)(a) of the Act.

Commencement Information

I3 [Reg. 3](#) in operation at 1.10.2008, see [reg. 1\(1\)](#)

Presence in the United Kingdom

4.—(1) In the case of a person with mesothelioma it is a condition of entitlement that the person was in the United Kingdom at a time when and place where that person was exposed to asbestos.

(2) In the case of a dependant it is a condition of entitlement that the deceased was in the United Kingdom at a time when and place where the deceased was exposed to asbestos.

(2) [S.I. 2006/606](#)

(3) [S.I. 2005/439](#)

(4) [S.I. 1972/963 \(N.I. 6\)](#); Article 7 was amended by paragraph 1 of Schedule 2 to the Health and Personal Social Services (Northern Ireland) Order 1991 ([S.I. 1991/194 \(N.I. 1\)](#)) and Part 5 of Schedule 7 to the Criminal Justice and Police Act 2001 (c. 16)

(5) [1969 c. 57](#)

Commencement Information

I4 [Reg. 4](#) in operation at 1.10.2008, see [reg. 1\(1\)](#)

Amount of lump sum payment

5.—(1) The amount of a payment made under section 1(2) of the Act to a person with mesothelioma shall be determined in accordance with Table 1 of the Schedule.

(2) In Table 1 of the Schedule the reference to the age of the person is a reference to—

- (a) the age at which the person was first diagnosed with mesothelioma; or
- (b) where the age at which the person was first diagnosed with mesothelioma is unknown, the age at which the person made the claim.

(3) The amount of a payment made under section 1(2) of the Act to a dependant shall be determined in accordance with Table 2 of the Schedule.

(4) In Table 2 of the Schedule the reference to the age of the person with mesothelioma is a reference to the age of the person at death.

Commencement Information

I5 [Reg. 5](#) in operation at 1.10.2008, see [reg. 1\(1\)](#)

Sealed with the Official Seal of the Department for Social Development on 27th August 2008

(L.S.)

B McGahan
A senior officer of the Department for Social
Development

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SCHEDULE

Regulation 5

Commencement Information**I6** Sch. in operation at 1.10.2008, see **reg. 1(1)**[^{F1}Table 1**Amount of lump sum payment to person with mesothelioma**

Age of person with mesothelioma at diagnosis, or, if unknown, at date of claim	Payment £
37 and under	83,330
38	81,710
39	80,093
40	78,476
41	76,856
42	75,239
43	74,431
44	73,618
45	72,812
46	72,003
47	71,193
48	68,931
49	66,666
50	64,397
51	62,134
52	59,864
53	58,248
54	56,631
55	55,016
56	53,391
57	51,775
58	47,570
59	43,360
60	39,159
61	34,949
62	30,743
63	28,152

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Age of person with mesothelioma at diagnosis, or, if unknown, at date of claim	Payment £
64	25,562
65	22,978
66	20,388
67	17,799
68	17,272
69	16,744
70	16,222
71	15,697
72	15,171
73	14,724
74	14,269
75	13,832
76	13,392
77 and over	12,945]

Textual Amendments

F1 Sch. Table 1 substituted (1.4.2013) by [The Mesothelioma Lump Sum Payments \(Conditions and Amounts\) \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/57\)](#), regs. 1(1), 2(a), **Sch. Pt. 1**

[^{F2}Table 2**Amount of lump sum payment to dependant**

Age of person with mesothelioma at death	Payment £
37 and under	43,366
38	42,433
39	41,503
40	40,573
41	39,643
42	38,713
43	37,823
44	36,924
45	36,040
46	35,151
47	34,263

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Age of person with mesothelioma at death	Payment £
48	33,169
49	32,076
50	30,985
51	29,897
52	28,806
53	27,910
54	27,023
55	26,133
56	25,238
57	24,351
58	21,888
59	19,417
60	16,951
61	14,482
62	12,012
63	11,307
64	10,607
65	9,889
66	9,184
67 and over	7,180]

Textual Amendments

F2 Sch. Table 2 substituted (1.4.2013) by [The Mesothelioma Lump Sum Payments \(Conditions and Amounts\) \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/57\)](#), regs. 1(1), 2(b), **Sch. Pt. 2**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for a lump sum payment under section 1 of the Mesothelioma, etc., Act (Northern Ireland) 2008 (“the Act”) to a person with diffuse mesothelioma or the person’s dependant.

Regulation 2 specifies certain payments, eligibility or receipt of which disqualifies a person from entitlement to a lump sum payment.

Regulation 3 prevents disqualification for payments which are liable to be repaid.

Regulation 4 requires the person with diffuse mesothelioma to have been in the United Kingdom at the time and place of exposure to asbestos.

Regulation 5 and the Schedule set out the amounts payable to a person with diffuse mesothelioma or a dependant, based on the age of the person with diffuse mesothelioma.

Sections 1(3) and 2(1)(b) and (c), (2)(b) and (c), (3)(e) and (4)(d) of the Act under which these Regulations are made were brought into operation, for the purpose only of authorising the making of regulations on 27th August 2008 and for all other purposes on 1st October 2008 by the Mesothelioma, etc., (2008 Act) (Commencement) Order (Northern Ireland) 2008 ([S.R. 2008 No. 351 \(C. 19\)](#)).

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