
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Status: Point in time view as at 01/04/2017.

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

Status: Point in time view as at 01/04/2017.**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)

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**

<i>Age of person with mesothelioma at first diagnosis, or, if unknown, at date of claim</i>	<i>Payment £</i>
37 and under	87,473
38	85,772
39	84,075
40	82,378
41	80,677
42	78,979
43	78,132
44	77,278
45	76,432
46	75,582
47	74,732
48	72,358
49	69,981
50	67,599
51	65,224
52	62,840
53	61,144
54	59,447
55	57,751
56	56,046
57	54,349
58	49,934
59	45,516
60	41,106
61	36,687
62	32,272

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<i>Age of person with mesothelioma at first diagnosis, or, if unknown, at date of claim</i>	<i>Payment £</i>
63	29,552
64	26,833
65	24,120
66	21,401
67	18,684
68	18,131
69	17,576
70	17,029
71	16,477
72	15,926
73	15,456
74	14,978
75	14,519
76	14,058
77 and over	13,590]

Textual Amendments

- F1** Sch. Table 1 substituted (1.4.2017) by [The Mesothelioma Lump Sum Payments \(Conditions and Amounts\) \(Amendment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/68\)](#), regs. 1(1), 2(a), **Sch. Pt. 1** (with reg. 1(2))

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

<i>Age of person with mesothelioma at death</i>	<i>Payment £</i>
37 and under	45,522
38	44,543
39	43,566
40	42,590
41	41,614
42	40,637
43	39,703
44	38,760
45	37,832

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<i>Age of person with mesothelioma at death</i>	<i>Payment</i> £
46	36,898
47	35,966
48	34,819
49	33,670
50	32,526
51	31,383
52	30,238
53	29,298
54	28,367
55	27,433
56	26,492
57	25,561
58	22,976
59	20,382
60	17,794
61	15,202
62	12,609
63	11,869
64	11,134
65	10,381
66	9,640
67 and over	7,537]

Textual Amendments

F2 Sch. Table 2 substituted (1.4.2017) by [The Mesothelioma Lump Sum Payments \(Conditions and Amounts\) \(Amendment\) Regulations \(Northern Ireland\) 2017 \(S.R. 2017/68\)](#), regs. 1(1), 2(b), **Sch. Pt. 2** (with reg. 1(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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Changes to legislation:

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