
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Status: Point in time view as at 22/03/2024.

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 22/03/2024.**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, date of claim</i>	<i>Payment</i>
	£
37 or under	107,038
38	104,957
39	102,881
40	100,804
41	98,723
42	96,645
43	95,609
44	94,563
45	93,528
46	92,487
47	91,448
48	88,544
49	85,635
50	82,720
51	79,814
52	76,896
53	74,820
54	72,745
55	70,671
56	68,582
57	66,504
58	61,103
59	55,696
60	50,300
61	44,894

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<i>Age of person with mesothelioma at first diagnosis, or, if unknown, date of claim</i>	<i>Payment</i>
	<i>£</i>
62	39,491
63	36,165
64	32,835
65	29,515
66	26,188
67	22,863
68	22,186
69	21,506
70	20,838
71	20,162
72	19,489
73	18,914
74	18,328
75	17,767
76	17,203
77 or over	16,631]

Textual Amendments

F1 Sch. Table 1 substituted (22.3.2024) by The Mesothelioma Lump Sum Payments (2023 Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2024 (S.R. 2024/70), regs. 1(1), **2(a)**, 3 (with reg. 1(2)(a))

[^{F2}Table 2

Amount of lump sum payment to dependant

<i>Age of person with mesothelioma at death</i>	<i>Payment</i>
	<i>£</i>
37 or under	55,704
38	54,507
39	53,312
40	52,117
41	50,922
42	49,728
43	48,584

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<i>Age of person with mesothelioma at death</i>	<i>Payment</i>
	<i>£</i>
44	47,430
45	46,294
46	45,152
47	44,011
48	42,609
49	41,202
50	39,801
51	38,403
52	37,000
53	35,851
54	34,712
55	33,569
56	32,418
57	31,278
58	28,115
59	24,940
60	21,774
61	18,604
62	15,429
63	14,524
64	13,625
65	12,703
66	11,796
67 or over	9,222]

Textual Amendments

- F2** Sch. Table 2 substituted (22.3.2024) by The Mesothelioma Lump Sum Payments (2023 Conditions and Amounts) (Amendment) Regulations (Northern Ireland) 2024 (S.R. 2024/70), regs. 1(1), **2(b)**, 3 (with reg. 1(2)(b))

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 \(C. 19\)](#)).

Status:

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Changes to legislation:

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