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DRAFT STATUTORY INSTRUMENTS

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**2006 No.**

**The Compensation Act 2006 (Contribution  
for Mesothelioma Claims) Regulations 2006**

**Further power for Authority to make rules concerning mesothelioma claims**

- 3.—(1) This Regulation applies where—
- (a) a claimant, if he had not received payment from a responsible person, could claim from the scheme manager in circumstances where section 3(1) of the Act applies; and
  - (b) the circumstances in paragraph (2) apply.
- (2) Compensation may be paid to a responsible person (“A”) by the scheme manager only where and to the extent that—
- (a) A could claim a contribution from another responsible person in accordance with section 3(3)(a) of the Act, but
  - (b) A is unable or likely to be unable to obtain a contribution, because an insurer of the other responsible person is unable or likely to be unable to satisfy the claim for a contribution.
- (3) The Authority may make rules modifying the new scheme to enable the scheme manager to receive, assess, determine and make payments in respect of applications for compensation from responsible persons and give guidance in relation to those rules.
- (4) Such rules may, in particular, permit—
- (a) payment of compensation to a responsible person notwithstanding that he has made a payment to the victim;
  - (b) payment of compensation to a responsible person not exceeding the amount a claimant would, if he had not received payment in full or of a contribution from such a person, have been able to recover from the scheme manager directly in respect of the contribution;
  - (c) payment to a claimant in respect of an application for compensation made on or after 25 July 2006, including an application which relates to a victim’s claim which is settled on or after 3 May 2006 or in relation to which there are legal proceedings which are determined on or after 3 May 2006.
- (5) In paragraph (2)(b) “insurer” means an authorised person who has permission to effect or carry out contracts of insurance, or had permission at the time the act or omission giving rise to the claim against him took place.
- (6) In this Regulation “claimant” means a victim or a responsible person.
- (7) Except in paragraph (2)(b) and in the definition of “claimant”, in this Regulation “responsible person” includes an insurer of a responsible person.
- (8) The power granted to the Authority in this Regulation is in addition, and without prejudice, to any other power of the Authority.