



Child Maintenance and Other Payments Act 2008

2008 CHAPTER 6

PART 4

LUMP SUM PAYMENTS: MESOTHELIOMA ETC.

Mesothelioma lump sum payments

49 Reconsideration

- (1) Subject to subsection (2), the Secretary of State—
 - (a) may reconsider a determination that a payment should not be made under this Part, on the ground that there has been a material change of circumstances since the determination was made; and
 - (b) may reconsider a determination either that a payment should or that a payment should not be made under this Part, on the ground that the determination was made in ignorance of, or was based on a mistake as to, a material fact.
- (2) Regulations must prescribe the manner in which and^[F1]may prescribe] the period within which—
 - (a) an application may be made to the Secretary of State for reconsideration of a determination; or
 - (b) the Secretary of State may institute such a reconsideration without an application.
- (3) Section 48(4) applies in relation to any reconsideration of a determination under this section as it applies in relation to the determination of a claim.
- (4) Subsection (5) applies if—
 - (a) whether fraudulently or otherwise, any person misrepresents or fails to disclose any material fact, and

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Changes to legislation: There are currently no known outstanding effects for the Child Maintenance and Other Payments Act 2008, Section 49. (See end of Document for details)

- (b) in consequence of the misrepresentation or failure, a payment is made under this Part.
- (5) The person to whom the payment was made is liable to repay the amount of that payment to the Secretary of State unless that person can show that the misrepresentation or failure occurred without that person's connivance or consent.
- (6) Except as provided by subsection (5), no payment under this Part is recoverable by virtue of a reconsideration of a determination under this section.
- (7) Any sums repaid to the Secretary of State by virtue of subsection (5) are to be paid into the Consolidated Fund.

Textual Amendments

- F1** Words in s. 49(2) inserted (25.2.2013 for specified purposes, 29.4.2013 in so far as not already in force) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), [Sch. 11 para. 16](#); [S.I. 2013/358](#), art. 2(1), [Sch. 1 paras. 18, 24](#); [S.I. 2013/983](#), art. 8

Modifications etc. (not altering text)

- C1** S. 49 wholly in force; s. 49 not in force at Royal Assent see s. 62; s. 49(2) in force for certain purposes at 10.6.2008 and s. 49 otherwise in force at 1.10.2008 by [S.I. 2008/1476](#), [art. 3\(1\)\(a\){\(2\)\(a\)}](#), [Sch.](#)

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