

# CHILD MAINTENANCE AND OTHER PAYMENTS ACT 2008

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 4 – Lump Sum Payments: Mesothelioma etc.**

#### **Mesothelioma lump sum payments**

##### *Section 49: Reconsideration*

412. *Section 49* enables the Secretary of State to reconsider a decision not to make a lump sum payment where there is a change in circumstances that may affect the claim since the decision was taken, or a decision to make or not to make a lump sum payment if the original decision was made in ignorance or based on error about the facts of the case.
413. *Subsection (2)* provides that regulations must prescribe how and within what timescale, a person may apply to the Secretary of State for a decision to be reconsidered, or for the Secretary of State to reconsider a decision without an application to do so being made.
414. *Subsection (3)* provides that *subsection (4)* of *section 48* will apply to any reconsideration of a decision under this section, in the same way as it applies to the decision on a claim.
415. *Subsections (4)* and *(5)* provide that where a person, either fraudulently or otherwise, provides misleading or false information, or does not disclose relevant information, and a lump sum payment for mesothelioma is paid to them as a result of this, they will be liable to repay any lump sum payment they receive. This liability to repay would not apply if the person can show that they had not given permission or had not been involved in the failure to disclose, or the provision of misleading or incorrect, information.
416. *Subsection (6)* provides that a mesothelioma lump sum payment can not be recovered where a decision has been reconsidered, unless the payment was obtained by providing misleading or false information, or because relevant information was not properly disclosed.
417. *Subsection (7)* provides for any sums repaid to the Secretary of State to be paid in to the Consolidated Fund.