



Mesothelioma Act 2014

2014 CHAPTER 1

Insurance disputes

15 Technical Committee to decide certain insurance disputes

- (1) The Secretary of State may make arrangements with a body to establish a committee called the Technical Committee which, if established in accordance with the arrangements, has the functions given by this section.
- (2) If a question arises between a potential insurance claimant and an insurer about whether an employer maintained employers' liability insurance with the insurer at a particular time, the Technical Committee has jurisdiction to decide that question.
- (3) The Technical Committee's decision is binding on the insurer and any potential insurance claimant who was given an opportunity to make representations, unless the matter is referred to arbitration under section 16.
- (4) The Technical Committee does not have jurisdiction to decide a question that has already been decided by a court.
- (5) A certificate by the Secretary of State that a specified committee has been established in accordance with arrangements under subsection (1) is conclusive evidence of that fact in relation to the period for which the certificate is in force.
- (6) Arrangements under subsection (1) may, in particular, include requirements about—
 - (a) the composition of the Technical Committee or the appointment of its members;
 - (b) the Technical Committee's procedure or how its procedure is to be determined (including requirements for its procedures to be approved by the Secretary of State);
 - (c) review by the Technical Committee of its own decisions.
- (7) The Technical Committee's procedure may, in particular, include provision imposing time limits for making an application for a decision or the taking of other steps.
- (8) In this section "potential insurance claimant" means—

Status: This is the original version (as it was originally enacted).

- (a) a person with diffuse mesothelioma who alleges that the employer is liable for damages in respect of the disease,
 - (b) a person who alleges that the employer is liable for damages under the fatal accidents legislation in respect of the death of a person with diffuse mesothelioma, or
 - (c) an employer alleged by a person within paragraph (a) or (b) to be liable for damages in respect of the disease or death.
- (9) In subsection (8) a reference to a person includes a reference to his or her personal representatives.

16 Challenging decisions of the Technical Committee

- (1) If the Technical Committee has decided a question under section 15(2), any person on whom the decision is binding may, if dissatisfied with the decision, refer the question to arbitration.
- (2) But a person may not refer a question to arbitration until any review process has been exhausted.
- (3) For statutory arbitrations, see—
 - (a) sections 94 to 98 of the Arbitration Act 1996;
 - (b) sections 16 and 17 of the Arbitration (Scotland) Act 2010.
- (4) Until the Arbitration (Scotland) Act 2010 is in force in relation to arbitrations under this section, that Act applies as if it were in force in relation to arbitrations under this section.
- (5) The Secretary of State may by regulations adapt or exclude any provision of the Arbitration (Scotland) Act 2010 in relation to arbitrations under this section (and this power may be used in relation to the 2010 Act during the period when it applies because of subsection (4) of this section or otherwise).