



# Mesothelioma Act 2014

## 2014 CHAPTER 1

### *Eligibility*

#### **2 Eligible people with diffuse mesothelioma**

- (1) A person diagnosed with diffuse mesothelioma is eligible for a payment under the scheme if—
- (a) a relevant employer has negligently or in breach of statutory duty caused or permitted the person to be exposed to asbestos,
  - (b) the person was first diagnosed with the disease on or after 25 July 2012,
  - (c) the person has not brought an action for damages in respect of the disease against the relevant employer or any insurer with whom the employer maintained employers' liability insurance at the time of the person's exposure to asbestos,
  - (d) the person is unable to bring an action for damages in respect of the disease against any employer of the person or any insurer with whom such an employer maintained employers' liability insurance (because they cannot be found or no longer exist or for any other reason), and
  - (e) the person has not received damages or a specified payment in respect of the disease and is not eligible to receive a specified payment.
- (2) In this section—
- “first diagnosed” has the meaning to be given to it by the scheme;
  - “relevant employer” means an employer who, at the time of the person's exposure to asbestos—
    - (a) was required by the compulsory insurance legislation to maintain insurance covering any liability arising because of the exposure to asbestos, or
    - (b) would have been required by the compulsory insurance legislation to maintain insurance covering any liability arising because of the exposure to asbestos if the legislation had been in force at that time;
  - “specified payment” has the meaning to be given to it by the scheme.