
STATUTORY INSTRUMENTS

2008 No. 1963

SOCIAL SECURITY

**The Mesothelioma Lump Sum Payments
(Conditions and Amounts) Regulations 2008**

Made - - - - 17th July 2008

Coming into force - - 1st October 2008

The Secretary of State for Work and Pensions in exercise of the powers conferred by section 1(1) of the Pneumoconiosis etc. (Workers' Compensation) Act 1979 ^{M1} and sections 46(3) and 47 of the Child Maintenance and Other Payments Act 2008 ^{M2} makes the following Regulations.

In accordance with section 7(3) of the Pneumoconiosis etc. (Worker's Compensation) Act 1979 and section 53(3) of the Child Maintenance and Other Payments Act 2008 and (these being the first Regulations made under section 47 of that Act) section 53(4) of that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Marginal Citations

M1 1979 c. 41.

M2 2008 c. 6.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Mesothelioma Lump Sum Payments (Conditions and Amounts) Regulations 2008.

(2) These Regulations shall come into force on 1st October 2008.

(3) In these Regulations—

“the Act” means the Child Maintenance and Other Payments Act 2008;

“claim” means a claim under section 46(1) of the Act;

“deceased” means a person who, immediately before death, had diffuse mesothelioma;

“mesothelioma” means diffuse mesothelioma;

“payment” includes a payment in money or money's worth or in kind.

Status: Point in time view as at 01/04/2015.

Changes to legislation: There are currently no known outstanding effects for the The Mesothelioma Lump Sum Payments (Conditions and Amounts) Regulations 2008. (See end of Document for details)

Disqualifying payments

2.—(1) The following payments are prescribed for the purposes of section 47(1)(a), (2)(a) and (3)(e) of the Act (payments which, if made in consequence of diffuse mesothelioma, prevent the conditions provided for in section 47(1)(a) and (2)(a) from being fulfilled)—

- (a) payment under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006 ^{M3};
- (b) payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005 ^{M4};
- [^{F1}(c) payment from any government department, authority, body corporate or employer exempted from insurance by or under section 3 of the Employers' Liability (Compulsory Insurance) Act 1969 or Article 7 of the Employers' Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972.]
- (d) payment under the UK Asbestos Trust established on 10th October 2006, for the benefit of certain persons suffering from asbestos-related diseases;
- (e) payment under the EL Scheme Trust established on 23rd November 2006, for the benefit of certain persons suffering from asbestos-related diseases.

(2) The following payments are prescribed for the purposes of section 47(1)(b) and (2)(b) of the Act (payments eligibility for which prevents the conditions provided for in section 47(1)(b) or (2)(b) from being fulfilled)—

- (a) payment under the Naval, Military and Air Forces Etc. (Disablement and Death) Service Pensions Order 2006;
- (b) payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005.

Textual Amendments

F1 [Reg. 2\(1\)\(c\)](#) substituted (1.10.2008) by [Social Security \(Miscellaneous Amendments\) \(No.3\) Regulations 2008 \(S.I. 2008/2365\)](#), regs. 1, 5

Marginal Citations

M3 [S.I. 2006/606](#).
M4 [S.I. 2005/439](#).

Disregarded payments

3. A payment made in error and which in consequence is liable to be repaid in accordance with a statutory provision or rule of law, is to be disregarded for the purpose of section 47(1)(a) or (2)(a) of the Act (conditions of entitlement).

Presence in the United Kingdom

4.—(1) In the case of a person with mesothelioma it is a condition of entitlement that the person was in the United Kingdom at a time when and place where that person was exposed to asbestos.

(2) In the case of a dependant it is a condition of entitlement that the deceased was in the United Kingdom at a time when and place where the deceased was exposed to asbestos.

Amount of lump sum payment

5.—(1) The amount of a payment made under section 46(2) of the Act to a person with mesothelioma shall be determined in accordance with Table 1 of the Schedule.

(2) In Table 1 of the Schedule, the reference to the age of the person is a reference to—

- (a) the age at which the person was first diagnosed with mesothelioma; or
- (b) where the age at which the person was first diagnosed with mesothelioma is unknown, the age at which the person made the claim.

(3) The amount of a payment made under section 46(2) of the Act to a dependant shall be determined in accordance with Table 2 of the Schedule.

(4) In Table 2 of the Schedule, the reference to the age of the person with mesothelioma is a reference to the age of that person at death.

Amendment of Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988

6. At the end of regulation 3 of the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988 ^{M5} (payments to persons disabled by disease), add—

“(5) Where—

- (a) a payment is made to a person under section 46 of the Child Maintenance and Other Payments Act 2008 (the mesothelioma payment) in respect of diffuse mesothelioma,
- (b) subsequently it is determined that the same person is entitled to a payment under section 1(1) of the Act in respect of the same diffuse mesothelioma,

the amount payable under paragraph (1) shall be reduced by the amount of the mesothelioma payment.”.

Marginal Citations

M5 [S.I. 1988/668](#).

Signed by authority of the Secretary of State for Work and Pensions.

Department for Work and Pensions

William D McKenzie
Parliamentary Under-Secretary of State,

Status: Point in time view as at 01/04/2015.**Changes to legislation:** There are currently no known outstanding effects for the The Mesothelioma Lump Sum Payments (Conditions and Amounts) Regulations 2008. (See end of Document for details)

SCHEDULE

Regulation 5

[^{F2}Table 1**Amount of lump sum payment to person with mesothelioma**

<i>Age of person with mesothelioma at diagnosis or, if unknown date of claim</i>	<i>Payment</i>
	£
37 and under	86,607
38	84,923
39	83,243
40	81,562
41	79,878
42	78,197
43	77,358
44	76,513
45	75,675
46	74,834
47	73,992
48	71,642
49	69,288
50	66,930
51	64,578
52	62,218
53	60,539
54	58,858
55	57,179
56	55,491
57	53,811
58	49,440
59	45,065
60	40,699
61	36,324
62	31,952
63	29,259
64	26,567
65	23,881

Status: Point in time view as at 01/04/2015.**Changes to legislation:** There are currently no known outstanding effects for the *The Mesothelioma Lump Sum Payments (Conditions and Amounts) Regulations 2008*. (See end of Document for details)

66	21,189
67	18,499
68	17,951
69	17,402
70	16,860
71	16,314
72	15,768
73	15,303
74	14,830
75	14,375
76	13,919
77 and over	13,455]

Textual Amendments

F2 Sch. Table 1 substituted (1.4.2015) by [The Mesothelioma Lump Sum Payments \(Conditions and Amounts\) \(Amendment\) Regulations 2015 \(S.I. 2015/500\)](#), regs. 1(1), **2(a)** (with reg. 1(2))

[F3]Table 2**Amount of lump sum payment to dependant**

<i>Age of person with mesothelioma at death</i>	<i>Payment</i>
	£
37 and under	45,071
38	44,102
39	43,135
40	42,168
41	41,202
42	40,235
43	39,310
44	38,376
45	37,457
46	36,533
47	35,610
48	34,474
49	33,337

Status: Point in time view as at 01/04/2015.

Changes to legislation: There are currently no known outstanding effects for the The Mesothelioma Lump Sum Payments (Conditions and Amounts) Regulations 2008. (See end of Document for details)

50	32,204
51	31,072
52	29,939
53	29,008
54	28,086
55	27,161
56	26,230
57	25,308
58	22,749
59	20,180
60	17,618
61	15,051
62	12,484
63	11,751
64	11,024
65	10,278
66	9,545
67 and over	7,462]

Textual Amendments

F3 Sch. Table 2 substituted (1.4.2015) by [The Mesothelioma Lump Sum Payments \(Conditions and Amounts\) \(Amendment\) Regulations 2015 \(S.I. 2015/500\)](#), regs. 1(1), **2(b)** (with reg. 1(3))

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for a lump sum payment under section 46 of the Child Maintenance and Other Payments Act 2008 to a person with diffuse mesothelioma (mesothelioma) or the person's dependant.

Regulation 2 specifies certain payments, eligibility or receipt of which disqualifies from a lump sum payment.

Regulation 3 prevents disqualification for payments which are liable to be repaid.

Regulation 4 requires that the person with mesothelioma was in the United Kingdom during his or her exposure to asbestos.

Regulation 5 and the Schedule set out the amounts payable to a person with mesothelioma or a dependant, based on the age of the person with mesothelioma.

Status: Point in time view as at 01/04/2015.

Changes to legislation: There are currently no known outstanding effects for the The Mesothelioma Lump Sum Payments (Conditions and Amounts) Regulations 2008. (See end of Document for details)

Regulation 6 amends the Pneumoconiosis etc. (Workers' Compensation) (Payment of Claims) Regulations 1988 so that certain payments under the Pneumoconiosis etc. (Workers' Compensation) Act 1979 are reduced by the amount of a payment for mesothelioma. A full impact assessment has not been published for this instrument as it has no impact on the private or voluntary sectors.

Status:

Point in time view as at 01/04/2015.

Changes to legislation:

There are currently no known outstanding effects for the The Mesothelioma Lump Sum Payments (Conditions and Amounts) Regulations 2008.