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STATUTORY INSTRUMENTS

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**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 <sup>M1</sup> and sections 46(3) and 47 of the Child Maintenance and Other Payments Act 2008 <sup>M2</sup> 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.

### 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 <sup>M3</sup>;
- (b) payment under the Armed Forces and Reserve Forces (Compensation Scheme) Order 2005 <sup>M4</sup>;
- [<sup>F1</sup>(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 <sup>M5</sup> (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.”.

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#### 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,

**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

[F<sup>2</sup>Table 1**Amount of lump sum payment to person with mesothelioma**

Age of person with mesothelioma at first diagnosis or, if unknown, date of claim	<i>Payment</i> £
37 or under	114,210
38	111,989
39	109,774
40	107,558
41	105,337
42	103,120
43	102,015
44	100,899
45	99,794
46	98,684
47	97,575
48	94,476
49	91,373
50	88,262
51	85,162
52	82,048
53	79,833
54	77,619
55	75,406
56	73,177
57	70,960
58	65,197
59	59,428
60	53,670
61	47,902
62	42,137
63	38,588
64	35,035
65	31,493

Age of person with mesothelioma at first diagnosis or, if unknown, date of claim	<i>Payment</i>
	£
66	27,943
67	24,395
68	23,672
69	22,947
70	22,234
71	21,513
72	20,795
73	20,181
74	19,556
75	18,957
76	18,356
77 or over	17,745]

**Textual Amendments**

**F2** Sch. Table 1 substituted (1.4.2024) by [The Mesothelioma Lump Sum Payments \(Conditions and Amounts\) \(Amendment\) Regulations 2024 \(S.I. 2024/237\)](#), regs. 1(1), **2(a)** (with reg. 1(2))

[<sup>F3</sup>Table 2

**Amount of lump sum payment to dependant**

Age of person with mesothelioma at death	<i>Payment</i>
	£
37 or under	59,436
38	58,159
39	56,884
40	55,609
41	54,334
42	53,060
43	51,839
44	50,608
45	49,396
46	48,177
47	46,960

**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)

Age of person with mesothelioma at death	Payment
	£
48	45,464
49	43,963
50	42,468
51	40,976
52	39,479
53	38,253
54	37,038
55	35,818
56	34,590
57	33,374
58	29,999
59	26,611
60	23,233
61	19,850
62	16,463
63	15,497
64	14,538
65	13,554
66	12,586
67 or over	9,840]

#### Textual Amendments

**F3** Sch. Table 2 substituted (1.4.2024) by [The Mesothelioma Lump Sum Payments \(Conditions and Amounts\) \(Amendment\) Regulations 2024 \(S.I. 2024/237\)](#), 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.

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.

**Changes to legislation:**

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