

CHILD MAINTENANCE AND OTHER PAYMENTS ACT 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 – Lump Sum Payments: Mesothelioma etc.

Mesothelioma lump sum payments

Section 46: Lump sum payments

392. This section provides for the Secretary of State to make a lump sum payment to either a person with diffuse mesothelioma, or to their dependant if the person with diffuse mesothelioma is deceased.
393. *Subsection (2)* provides that entitlement to a lump sum payment is dependent on satisfying certain conditions which are specified in *section 47*.
394. *Subsection (3)* provides that regulations may:
- set out the amount that should be paid as a lump sum; and
 - set the amount at different levels for different people. This may be based on factors such as, for example, whether they are a person with mesothelioma, or a dependant of a person with mesothelioma.
395. *Subsection (4)* defines what is meant by a 'dependant' of a person who, immediately before their death, suffered from mesothelioma. It also defines "diffuse mesothelioma" as having the same meaning as under the Pneumoconiosis etc. (Workers' Compensation) Act 1979. A dependant can bring a claim for a lump sum payment under this part of the legislation if their relative with mesothelioma has died. A dependant is defined as:
- a wife or husband or civil partner who was living with the person with mesothelioma;
 - children under 16 years of age;
 - children under 21 years of age who are not receiving wages from full time employment;
 - children of any age who are permanently unable to support themselves;
 - a person living with the person with mesothelioma as if they were husband and wife or as if they were civil partners;
 - any other relatives who are completely or mostly dependent on the person with mesothelioma immediately before their death and who are also under the age of 16, under the age of 21 and not receiving wages from full time employment, or permanently unable to support themselves.

*These notes refer to the Child Maintenance and Other Payments
Act 2008 (c.6) which received Royal Assent on 5 June 2008*

396. Payments are to be made to the dependant who is listed first in the above definition.
397. *Subsection (5)* provides that where more than one dependent may claim, the Secretary of State will decide whether the payment is paid to one or more of them. This could happen, for example, when a person with mesothelioma does not have a wife or husband, or civil partner, who was living with them, but has three children under the age of 16.