



Mesothelioma Act 2014

2014 CHAPTER 1

Levy on insurers

13 The levy

- (1) The Secretary of State must make regulations requiring active insurers to pay a levy with a view to meeting the costs of the Diffuse Mesothelioma Payment Scheme during any given period.
- (2) In deciding the total amount of the levy for a period the Secretary of State—
 - (a) may take account of estimated as well as actual costs;
 - (b) may deduct the amount of any sums recovered or expected to be recovered under the recovery of benefits legislation during the period in respect of scheme payments made during the period or before it.
- (3) In deciding the total amount of the first levy the Secretary of State may reduce it to reflect any amount of costs to be met by the Secretary of State.
- (4) In deciding the total amount of the levy for each of the first 4 periods, the Secretary of State must have regard to the desirability of the total amount of the levy for each of those periods being the same (or if those periods are not equal, the same pro rata) even if that means the amount for a period does not match the costs for that particular period.
- (5) The regulations may require different active insurers to pay different amounts based on criteria relating to their relative market share in the reference period (and may provide for their relative market share to be determined in whatever way the Secretary of State thinks appropriate).
- (6) The regulations may make provision about—
 - (a) information to be published or given to active insurers by the Secretary of State;
 - (b) payment of the levy, including the timing of payments;
 - (c) recovery of the levy.
- (7) In this section—

Status: This is the original version (as it was originally enacted).

“active insurer” means a person who, at any time during the reference period, was an authorised insurer within the meaning of the compulsory insurance legislation;

“the costs of the Diffuse Mesothelioma Payment Scheme” means—

- (a) the cost of payments under the scheme,
- (b) the costs of administering the scheme, and
- (c) any costs incurred by the Secretary of State to establish a body with whom to make arrangements under section 7(1)(b);

“the recovery of benefits legislation” means—

- (a) the Social Security (Recovery of Benefits) Act 1997, or
- (b) the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (S.I. 1997/1183 (N.I. 12));

“reference period” means a 12-month period determined in accordance with the regulations, and a reference period may be a period before this Act was passed.

14 Collecting information for purposes of levy

- (1) The Secretary of State may require an active insurer to provide information for the purposes of working out how much to require different insurers to pay towards the levy under section 13.
- (2) If the active insurer fails without reasonable excuse to comply with the requirement the relevant court may, on an application made by the Secretary of State, order the active insurer to comply with the requirement.
- (3) The relevant court may also order the active insurer to give the Secretary of State other information that the insurer could be required to provide under subsection (1).
- (4) In this section “the relevant court” means—
 - (a) the High Court in England and Wales or Northern Ireland, or
 - (b) the Court of Session in Scotland.