



# Mesothelioma Act 2014

## 2014 CHAPTER 1

### *Recovery of payments etc*

#### **10 Power of scheme administrator to help people bring proceedings**

- (1) Where a payment is made under the scheme, the scheme administrator may help a person to bring relevant proceedings (for example by conducting proceedings or by giving advice or financial help).
- (2) “Relevant proceedings” means—
  - (a) proceedings by the person with diffuse mesothelioma against—
    - (i) an employer for the negligence or breach of statutory duty mentioned in section 2(1)(a), or
    - (ii) an insurer with whom the employer maintained insurance covering that liability,
  - (b) proceedings by any other person against the employer or insurer for damages under the fatal accidents legislation in respect of the death of the person with diffuse mesothelioma, or
  - (c) any appeal arising out of proceedings within paragraph (a) or (b).
- (3) In subsection (2) a reference to a person includes a reference to his or her personal representatives.
- (4) The scheme may include provision about the scheme administrator’s functions under this section, including provision as to the circumstances in which the scheme administrator may help a person to bring proceedings.
- (5) The Secretary of State may by regulations amend subsection (2) to include other proceedings (which may be proceedings against someone other than an employer or insurer).

#### **11 Recovery of benefits etc from payments and recovery of payments**

Schedule 1 contains amendments to other legislation. Broadly—

Part 1 allows benefits and other sums to be recovered from scheme payments,

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*Status: This is the original version (as it was originally enacted).*

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Part 2 allows scheme payments to be recovered from compensation, and  
Part 3 contains related amendments to do with information sharing.