

**EXPLANATORY MEMORANDUM TO**  
**THE MESOTHELIOMA LUMP SUM PAYMENTS (CLAIMS AND**  
**RECONSIDERATIONS) REGULATIONS 2008**

**2008 No. 1595**

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.
2. **Description**
  - 2.1 This instrument provides for how and when a claim must be made to the Mesothelioma Scheme 2008.
  - 2.2 It also provides for how and when a request for a reconsideration of a decision must be made and for when the Secretary of State may reconsider a decision without a request being made.
  - 2.3 This instrument also provides for an appeal against a determination to be treated as a request for a reconsideration.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None.
4. **Legislative Background**
  - 4.1 These regulations are being made to give effect to the powers in sections 48(1) to (3), 49(2), 50(4) and 53(2) of the Child Maintenance and Other Payments Act 2008. This is the first use of these powers. These regulations are linked to the Mesothelioma Lump Sum Payment (Conditions and Amounts) Regulations 2008, the Social Security (Recovery of Benefits) (Lump Sum Payments) Regulations 2008.
5. **Territorial Extent and Application**
  - 5.1 This instrument applies to Great Britain.
6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## 7. Policy background

### Policy

- 7.1 On 16 May 2006 the Secretary of State for Work and Pensions announced that DWP and external stakeholders had agreed to work together to identify ways to speed up claims for those with mesothelioma.
- 7.2 On 20 July 2006 SoS announced a number of interim measures to ensure faster compensation for those with mesothelioma, as well as his intention to put in place a long term solution to try to ensure that those with mesothelioma can receive compensation in life.
- 7.3 On 13 March 2007 SoS announced proposals to provide faster compensation to all people with mesothelioma by setting up a cost-neutral scheme that would be funded through the introduction of compensation recovery, both in respect of payments made under this scheme and under the existing lump-sum payment scheme for dust related diseases under the Pneumoconiosis etc (Workers' Compensation) Act 1979 (including an extra-statutory payment made following the rejection by the Secretary of State of a claim made under the 1979 Act).

### Consultation

- 7.4 A consultation period ran from 4 September to 26 November 2006 and a number of meetings with interested stakeholders were arranged in London, Leeds and Glasgow. A summary of responses was published on 1 March 2007, see <http://www.dwp.gov.uk/publications/dwp/2007/iidb/mesothelioma-cases-consultation-report.pdf>. A mesothelioma event was held in London on 13 March 2007 at which a wide range of stakeholders discussed the proposed change.
- 7.5 The mesothelioma scheme 2008 will help up to 600 people who do not currently receive help from the Government with a payment estimated at £10,000 during the first two years of the operation of the new scheme.

### Guidance

- 7.6 The start of the new mesothelioma scheme will be publicised by way of a press release. Claim forms for Industrial Injuries Disablement Benefits will continue to advise people to claim a lump sum payment under the Pneumoconiosis etc (Workers' Compensation) Act 1979 and this same claim form will also be used as a claim for the new mesothelioma scheme 2008. In addition the Department's leaflet MESOA4DWP "Help and Advice for People with Mesothelioma" will

be updated by early 2009 to contain references to the new mesothelioma scheme.

#### Consolidation

7.7 This instrument does not amend another instrument so consolidation is not an issue.

### **8. Impact**

8.1 A full impact assessment has not been published for this instrument as it has no impact on the costs of business, charities and the voluntary sector.

8.2 The impact on the Department for Work and Pensions and the Ministry of Justice in terms of reconsiderations and appeals is minimal.

### **9. Contact**

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