

**2008 No. 2706**

**SOCIAL SECURITY**

**TRIBUNALS AND INQUIRIES**

**The Mesothelioma Lump Sum Payments (Claims and Reconsiderations) (Amendment) Regulations 2008**

<i>Made</i> - - - -	<i>13th October 2008</i>
<i>Laid before Parliament</i>	<i>15th October 2008</i>
<i>Coming into force</i> - -	<i>3rd November 2008</i>

The Secretary of State makes the following Regulations in exercise of the power conferred by section 50(4) of the Child Maintenance and Other Payments Act 2008(a).

1. These Regulations may be cited as the Mesothelioma Lump Sum Payments (Claims and Reconsiderations) (Amendment) Regulations 2008 and come into force on 3rd November 2008.

2. The Mesothelioma Lump Sum Payments (Claims and Reconsiderations) Regulations 2008(b) are amended as follows.

3. In regulation 5—

- (a) in paragraph (2) for “an appeal tribunal” substitute “the First-tier Tribunal”; and
- (b) in paragraph (3) for “appeal tribunal” substitute “the First-tier Tribunal”.

4. After regulation 5 add—

**“Appeals**

6. Regulation 33 of the Social Security and Child Support (Decisions and Appeals) Regulations 1999(c) (notice of appeal) applies to an appeal against a determination made by the Secretary of State—

- (a) on a claim; or
- (b) on reconsideration under section 49 of the Child Maintenance and Other Payments Act 2008 of a determination made on a claim

as it applies to an appeal under section 12 of the Social Security Act 1998(d).”

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(a) 2008 c. 6.  
(b) S.I. 2008/1595.  
(c) S.I. 1999/991; amended by the Tribunals, Courts and Enforcement Act 2007 (Transitional and Consequential Provisions) Order 2008 (S.I. 2008/2683).  
(d) 1998 c. 14.

By authority of the Secretary of State

*Bridget Prentice*  
Parliamentary Under Secretary of State,  
Ministry of Justice

13th October 2008

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Mesothelioma Lump Sum Payments (Claims and Reconsiderations) Regulations 2008. The amendment to regulation 5 is consequential on the implementation of the Tribunals, Courts and Enforcement Act 2007 (c. 15). The functions of the appeal tribunal are transferring to the First-tier Tribunal on 3rd November 2008.

New regulation 6 makes provision for an appeal against a determination of the Secretary of State on a claim or a reconsideration under section 49 of the Child Maintenance and Other Payments Act 2008 of a determination made on a claim. It provides that the appeal must be made in accordance with regulation 33 of the Social Security and Child Support (Decisions and Appeals) Regulations 1999, which sets out procedure in relation to submitting a notice of appeal.

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