



2008 CHAPTER 9

Recovery of mesothelioma and other lump sum payments

Amendment of Social Security (Recovery of Benefits) (Northern Ireland) Order 1997

8. After Article 3 of the [Social Security \(Recovery of Benefits\) \(Northern Ireland\) Order 1997 \(NI 12\)](#) insert—

“Lump sum payments: regulation-making power

3A.—(1) The Department may by regulations make provision about the recovery of the amount of a payment to which paragraph (2) applies (a “lump sum payment”) where—

- (a) a compensation payment in consequence of a disease is made to or in respect of a person (“P”) to whom, or in respect of whom, a lump sum payment has been, or is likely to be, made, and
- (b) the compensation payment is made in consequence of the same disease as the lump sum payment.

(2) This paragraph applies to—

- (a) a payment made in accordance with the Pneumoconiosis, etc., (Workers' Compensation) (Northern Ireland) Order 1979 (in this Article referred to as “the 1979 Order”);
- (b) a payment made in accordance with the Mesothelioma, etc., Act (Northern Ireland) 2008, and
- (c) an extra-statutory payment (within the meaning given by paragraph (5)(d)).

(3) Regulations under this Article may, in particular—

- (a) make provision about the recovery of the amount of a lump sum payment made to or in respect of a dependant of P;
 - (b) make provision enabling the recovery of the amount of a lump sum payment from a compensation payment (including provision enabling the recovery of an amount which reduces the compensation payment to nil);
 - (c) enable the amount of a lump sum payment made before commencement to be recovered from a compensation payment made after commencement;
 - (d) make provision about certificates in respect of lump sum payments;
 - (e) apply any provision of this Order, with or without modifications.
- (4) References in paragraph (1) to a payment made in consequence of a disease—
- (a) are references to a payment made by or on behalf of a person who is, or is alleged to be, liable to any extent in respect of the disease, but
 - (b) do not include references to a payment mentioned in Part 1 of Schedule 1.
- (5) In this Article—
- (a) “commencement” means the date on which this Article comes into operation,
 - (b) “compensation payment” means a payment within Article 3(1)(a),
 - (c) “dependant” has the meaning given by Article 5 of the 1979 Order, and
 - (d) “extra-statutory payment” means a payment made by the Department to or in respect of a person following the rejection by the Department of a claim under the 1979 Order.”.