These notes refer to the Mesothelioma, etc., Act (Northern Ireland) 2008 (c.9) which received Royal Assent on 2 July 2008

Mesothelioma, etc., Act (Northern Ireland) 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Mesothelioma lump sum payments

Section 2: Conditions of entitlement

Section 2 sets out the conditions that must be satisfied by persons with diffuse mesothelioma, and by a dependant of a person who, immediately before their death, suffered from diffuse mesothelioma in order for a lump sum payment to be made.

Subsection (1)(a) provides that to be entitled to a lump sum payment a person with diffuse mesothelioma must not have already received a payment in respect of diffuse mesothelioma as set out in *subsection (3).*

Subsection (1)(b) provides that to be entitled to a lump sum payment a person must not be eligible, in respect of diffuse mesothelioma, for a payment of a type prescribed by regulations.

Subsection (1)(c) provides that there may be a requirement for the person to have links with the United Kingdom. Any links would be prescribed by regulations.

Subsection (2)(a) provides that a dependant will not be entitled to a lump sum payment, if the dependant, the deceased person, the deceased person's estate or any other dependant, has already received a payment in respect of diffuse mesothelioma as set out in *subsection (3).*

Subsection (2)(b) provides that a dependant will not be entitled to a lump sum payment, if the dependant or the deceased person is or was eligible, in respect of diffuse mesothelioma, for a payment of a type prescribed by regulations.

Subsection (2)(c) provides that there may be a requirement for the deceased person to have links with the United Kingdom. Any links would be prescribed by regulations.

Subsection (3) provides that the payments mentioned in *subsections (1)(a) and (2)(a)* are—

- a payment under this Bill;
- a payment under Part 4 of the corresponding Westminster provision;
- a payment under the 1979 Order or the corresponding Great Britain provision;
- an extra-statutory payment made following the rejection of a claim made under the 1979 Order; or
- a payment of a type prescribed by regulations.

Subsection (4) provides that—

- a payment under *section 4*;
- a payment under the corresponding Westminster provision;
- a payment under the 1979 Order or the corresponding Great Britain provision;
- an extra-statutory payment made following the rejection of a claim made under the 1979 Order; or
- a payment of a type prescribed by regulations,

will not disqualify a person from receiving a lump sum payment if that payment was or is liable to be, repaid.