



2008 CHAPTER 9

Mesothelioma lump sum payments

Conditions of entitlement

2.—(1) In the case of a person who has diffuse mesothelioma, the conditions of entitlement are—

- (a) that no payment within subsection (3) has been made in consequence of the disease;
- (b) that the person is not eligible for any payment in consequence of the disease that is of a description prescribed by regulations;
- (c) that such requirement, if any, as may be prescribed by regulations as to the person's connection with the United Kingdom is satisfied.

(2) In the case of a dependant of a person who, immediately before death, had diffuse mesothelioma, the conditions of entitlement are—

- (a) that no payment within subsection (3) has been made in consequence of the disease to that or another dependant or to the deceased or the deceased's personal representatives;
- (b) that the dependant is not, and the deceased was not, eligible for any payment in consequence of the disease that is of a description prescribed by regulations;
- (c) that such requirement, if any, as may be prescribed by regulations as to the deceased's connection with the United Kingdom is satisfied.

(3) The payments referred to in subsections (1)(a) and (2)(a) are—

- (a) a payment under this Act or under Part 4 of the Child Maintenance and Other Payments Act 2008 (c. 6);

Changes to legislation: There are currently no known outstanding effects for the Mesothelioma, etc., Act (Northern Ireland) 2008, Section 2. (See end of Document for details)

- (b) a payment under the 1979 Order or under the Pneumoconiosis etc. (Workers' Compensation) Act 1979 (c. 41);
 - [^{F1}(ba) a payment under the Diffuse Mesothelioma Payment Scheme (for the scheme, see the Mesothelioma Act 2014);]
 - (c) an extra-statutory payment;
 - (d) damages or a payment in settlement of a claim for damages;
 - (e) a payment of a description prescribed by regulations.
- (4) A payment is to be disregarded for the purposes of subsection (1)(a) or (2)(a) if it has been, or is liable to be, repaid—
- (a) under section 4 of this Act or under any corresponding provision of the Child Maintenance and Other Payments Act 2008;
 - (b) under Article 6 of the 1979 Order or under section 5 of the Pneumoconiosis etc. (Workers' Compensation) Act 1979;
 - (c) under the terms of an extra-statutory payment;
 - (d) in circumstances prescribed for the purposes of this section by regulations.
- (5) In this section “extra-statutory payment” has the meaning given by Article 3A(5)(d) of the Social Security (Recovery of Benefits) (Northern Ireland) Order 1997 (NI 12).

Textual Amendments

- F1** S. 2(3)(ba) inserted (31.3.2014) by [Mesothelioma Act 2014 \(c. 1\), s. 19\(1\), Sch. 2 para. 6; S.I. 2014/459, art. 3\(d\)](#)

Commencement Information

- II** S. 2 wholly in operation at 1.10.2008; s. 2 not in operation at Royal Assent see s. 12(1); s. 2(1)(b)(c), (2)(b)(c), (3)(e), (4)(d) in operation for the purpose only of authorising the making of regulations at 27.8.2008 and for all other purposes at 1.10.2008 by [S.R. 2008/351, art. 2\(1\)\(a\)\(b\), Sch.](#); s. 2 in operation at 1.10.2008 in so far as not already in operation by [S.R. 2008/351, art. 2\(2\)](#)

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