

*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 1: Lump sum payments*

*Section 1* provides for the Department to make a lump sum payment to either a person with diffuse mesothelioma, or to their dependant if the person with diffuse mesothelioma is deceased.

*Subsection (2)* provides that entitlement to a lump sum payment is dependent on satisfying certain conditions which are specified in *section 2*.

*Subsection (3)* provides that regulations may—

- set out the amount that should be paid as a lump sum; and
- set the amount at different levels for different people. This may be based on factors such as, for example, whether they are a person with diffuse mesothelioma or a dependant of a person with diffuse mesothelioma.

*Subsection (4)* provides that where more than one dependant may claim, the Department will decide whether the payment is paid to one or more of them. This could happen, for example, when a person with diffuse mesothelioma does not have a wife or husband, or civil partner, who was living with them, but has three children under the age of 16.

“Dependant” attracts the same meaning as it is given in the 1979 Order (see *section 11*). Dependants are—

- a wife or husband or civil partner who was living with the person with diffuse mesothelioma;
- children under 16 years of age;
- children under 21 years of age who are not receiving wages from full-time employment;
- children of any age who are permanently incapable of supporting themselves;

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

- a person living with the person with diffuse mesothelioma as if they were husband and wife or as if they were civil partners;
- any other relatives who are completely or mostly dependent on the person with diffuse mesothelioma immediately before their death and who are also under the age of 16, under the age of 21 and not receiving wages from full-time employment, or permanently incapable of supporting themselves.