

*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

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Mesothelioma lump sum payments*

##### *Section 5: Appeal to appeal tribunal*

*Section 5* provides that a person who has made a claim for a payment under *section 1* will have a right of appeal to an appeal tribunal against a decision made by the Department on the claim, or a decision made following a reconsideration under *section 4*.

*Subsection (2)* provides that, subject to regulations under *subsection (4)(c)*, the Department must refer any appeal to an appeal tribunal constituted under Chapter 1 of Part 2 of the Social Security (Northern Ireland) Order 1998.

*Subsection (3)* provides the tribunal with the power to substitute a decision on matters decided in accordance with this Bill.

*Subsection (4)* provides that regulations may make provision—

- as to the manner in which, and the time within which, an appeal may be brought;
- as to the procedure to be followed if an appeal is made; and
- for the purposes of enabling an appeal to be treated as an application for a reconsideration under *clause 4*.