



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 \(c. 6\)](#);

- (b) a payment under the 1979 Order or under the Pneumoconiosis etc. (Workers' Compensation) Act 1979 (c. 41);
 - (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 \(NI 12\)](#).