
DRAFT STATUTORY INSTRUMENTS

2014 No.

The Diffuse Mesothelioma Payment Scheme Regulations 2014

Payments

Payment

19.—(1) This regulation applies where a determination has been made to make a payment under the scheme to an applicant.

(2) The payment must be made in a lump sum.

(3) Subject to any conditions imposed under regulation 17, the payment—

(a) may be made to the applicant by such means as the scheme administrator may determine; and

(b) must be made either at the same time as the sending of the notice under regulation 18 or as soon afterwards as is reasonably practicable.

(4) Where an applicant dies before a payment is made under the scheme (including an applicant who dies before a determination to make the payment is made), any payment which is to be made under the scheme must, where the condition in paragraph 5 is met, be made to the applicant's personal representatives.

(5) The condition is that any document that is by law sufficient evidence of the grant of—

(a) probate of the will of a deceased applicant,

(b) letters of administration of the estate of a deceased applicant, or

(c) confirmation as executor of the deceased applicant,

has been provided to the scheme administrator.

Circumstances in which a person may be required to repay

20.—(1) The scheme administrator may require a person who received a payment under the scheme to repay the whole of the amount of a payment under the scheme which has been received in any case where the scheme administrator is satisfied that relevant evidence shows that—

(a) the payment was made in error; or

(b) whether fraudulently or otherwise, any person has misrepresented or failed to disclose a material fact and the determination to make the payment was made in consequence of the misrepresentation or failure; or

(c) the applicant was for any other reason not eligible under section 2 or 3 of the Act to receive a payment under the scheme.

(2) The scheme administrator may require a person who received a payment to repay a specified part of the amount of a payment under the scheme in any case where the scheme administrator is satisfied that relevant evidence shows that—

(a) the amount paid exceeds the amount payable in accordance with Schedule 4; or

- (b) the amount payable to each of a number of persons who are eligible under section 3 of the Act was calculated on the basis of an error (either as to the number of such persons or otherwise).
- (3) The scheme administrator must send a written notice to the person required to make the repayment which states—
 - (a) the amount required to be repaid;
 - (b) the reasons why the payment was not properly made; and
 - (c) that an applicant, or if the applicant has died, the personal representatives of the applicant, may request a review of the decision.
- (4) In paragraph (2), “specified” means specified by the scheme administrator in the notice under paragraph (3).
- (5) In paragraphs (1) and (2), references to “relevant evidence” are to evidence which—
 - (a) is relevant to the question whether an applicant was eligible under section 2 or 3 of the Act for a payment under the scheme; and
 - (b) is received by the scheme administrator only after a determination to make a payment in accordance with regulation 19 has been made.