



Mesothelioma Act 2014

2014 CHAPTER 1

General

18 Defined terms used in more than one section of this Act

(1) In this Act—

“application” means an application for a payment under the scheme;

“active insurer” has the meaning given by section 13;

“the compulsory insurance legislation” means—

- (a) the Employers' Liability (Compulsory Insurance) Act 1969, or
- (b) the Employer's Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 (S.I. 1972/963 (N.I. 6));

“damages” includes a payment in settlement of a claim for damages;

“dependant”, in relation to a person who has died with diffuse mesothelioma, has the meaning given by section 3(1) of the Pneumoconiosis etc (Workers' Compensation) Act 1979 (reading the reference to the Secretary of State as a reference to the scheme administrator);

“employers' liability insurance”, in relation to an employer and a particular time, means insurance that the employer—

- (a) was required by the compulsory insurance legislation to maintain at that time, or
- (b) would have been required by the compulsory insurance legislation to maintain if that legislation had been in force at that time;

“the fatal accidents legislation” means—

- (a) the Fatal Accidents Act 1976,
- (b) the Fatal Accidents (Northern Ireland) Order 1977 (S.I. 1977/1251 (N.I. 18)), or
- (c) section 4 of the Damages (Scotland) Act 2011;

“levy” means a levy under section 13;

“relevant employer” has the meaning given by section 2;

“the scheme” means the Diffuse Mesothelioma Payment Scheme;

Changes to legislation: There are currently no known outstanding effects for the Mesothelioma Act 2014, Section 18. (See end of Document for details)

“scheme administrator” means the person for the time being administering the scheme (see section 7);

“the Technical Committee” means a committee established in accordance with arrangements under section 15.

- (2) In determining for the purposes of this Act whether an employer would have been required to maintain insurance if the compulsory insurance legislation had been in force at any given time, assume that any exemption that has at any time applied under the following provisions applied at the time in question—
- (a) section 3(1)(a) to (c) of the Employers' Liability (Compulsory Insurance) Act 1969, and
 - (b) Article 7(a) to (c) of the Employer's Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972.
- (3) The scheme may specify circumstances in which a person is, or is not, to be treated as able to bring an action for the purposes of section 2(1)(d) or 3(1)(c).

Commencement Information

II S. 18 in force at 31.3.2014 by S.I. 2014/459, art. 3(f)

Changes to legislation:

There are currently no known outstanding effects for the Mesothelioma Act 2014, Section 18.