



2008 CHAPTER 9

Mesothelioma lump sum payments

Reconsideration

- 4.—(1) Subject to subsection (2), the Department—
- (a) may reconsider a determination that a payment should not be made under this Act, on the ground that there has been a material change of circumstances since the determination was made; and
 - (b) may reconsider a determination either that a payment should or that a payment should not be made under this Act, on the ground that the determination was made in ignorance of, or was based on a mistake as to, a material fact.
- (2) Regulations must prescribe the manner in which and the period within which—
- (a) an application may be made to the Department for reconsideration of a determination, or
 - (b) the Department may institute such a reconsideration without an application.
- (3) Section 3(4) applies in relation to any reconsideration of a determination under this section as it applies in relation to the determination of a claim.
- (4) Subsection (5) applies if—
- (a) whether fraudulently or otherwise, any person misrepresents or fails to disclose any material fact, and
 - (b) in consequence of the misrepresentation or failure, a payment is made under this Act.

(5) The person to whom the payment was made is liable to repay the amount of that payment to the Department unless that person can show that the misrepresentation or failure occurred without that person's connivance or consent.

(6) Except as provided by subsection (5), no payment under this Act is recoverable by virtue of a reconsideration of a determination under this section.

(7) Any sums repaid to the Department by virtue of subsection (5) are to be paid into the Consolidated Fund.