



2008 CHAPTER 9

Mesothelioma lump sum payments

Appeal to appeal tribunal

5.—(1) A person who has made a claim under section 1 may appeal against a determination made by the Department—

- (a) on the claim, or
- (b) on reconsideration under section 4 of a determination made on the claim.

[^{F1}(1A) Regulations may provide that, in such cases or circumstances as may be prescribed, a person may appeal against a determination made on a claim only if the Department has decided whether to reconsider the determination under section 4.

(1B) The regulations may in particular provide that that condition is met only where—

- (a) the decision of the Department was on an application,
- (b) the Department considered issues of a specified description, or
- (c) the decision of the Department satisfied any other condition specified in the regulations.]

(2) 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 (NI 10).

(3) On an appeal the tribunal may substitute for the determination concerned any determination which could have been made in accordance with this Act.

(4) Regulations may make provision—

Changes to legislation: There are currently no known outstanding effects for the Mesothelioma, etc., Act (Northern Ireland) 2008, Section 5. (See end of Document for details)

- (a) as to the manner in which, and the time within which, an appeal may be made;
- (b) as to the procedure to be followed if an appeal is made;
- (c) for the purpose of enabling an appeal under subsection (1)(a) [^{F2}(or, where in accordance with regulations under subsection (1A) there is no right of appeal, any purported appeal)] to be treated as an application for reconsideration under section 4 of the determination made on the claim.

Textual Amendments

- F1** S. 5(1A)(1B) inserted (17.3.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 11 para. 14(2)**; S.R. 2016/166, art. 2(b)
- F2** Words in s. 5(4)(c) inserted (17.3.2016) by [The Welfare Reform \(Northern Ireland\) Order 2015 \(S.I. 2015/2006\)](#), art. 2(2), **Sch. 11 para. 14(3)**; S.R. 2016/166, art. 2(b)

Commencement Information

- I1** S. 5 wholly in operation at 1.10.2008; s. 5 not in operation at Royal Assent see s. 12(1); s. 5(4)(c) in operation for the purpose only of authorising the making of regulations at 27.8.2008 and for all other purposes at 1.10.2008 by [S.R. 2008/351](#), **art. 2(1)(a)(b)**, Sch.; s. 5 in operation at 1.10.2008 in so far as not already in operation by [S.R. 2008/351](#), **art. 2(2)**

Changes to legislation:

There are currently no known outstanding effects for the Mesothelioma, etc., Act (Northern Ireland) 2008, Section 5.