



Child Maintenance and Other Payments Act 2008

2008 CHAPTER 6

PART 4

LUMP SUM PAYMENTS: MESOTHELIOMA ETC.

Recovery of mesothelioma and other lump sum payments

54 Amendment of Social Security (Recovery of Benefits) Act 1997

After section 1 of the Social Security (Recovery of Benefits) Act 1997 (c. 27) insert—

“1A Lump sum payments: regulation-making power

- (1) The Secretary of State may by regulations make provision about the recovery of the amount of a payment to which subsection (2) applies (a “lump sum payment”) where—
 - (a) a compensation payment in consequence of a disease is made to or in respect of a person (“P”) to whom, or in respect of whom, a lump sum payment has been, or is likely to be, made, and
 - (b) the compensation payment is made in consequence of the same disease as the lump sum payment.
- (2) This subsection applies to—
 - (a) a payment made in accordance with the Pneumoconiosis etc. (Workers' Compensation) Act 1979 (“the 1979 Act”),
 - (b) a payment made in accordance with Part 4 of the Child Maintenance and Other Payments Act 2008, and
 - (c) an extra-statutory payment (within the meaning given by subsection (5) (d) below).
- (3) Regulations under this section may, in particular—

Changes to legislation: There are currently no known outstanding effects for the Child Maintenance and Other Payments Act 2008, Cross Heading: Recovery of mesothelioma and other lump sum payments. (See end of Document for details)

- (a) make provision about the recovery of the amount of a lump sum payment made to or in respect of a dependant of P;
 - (b) make provision enabling the recovery of the amount of a lump sum payment from a compensation payment (including provision enabling the recovery of an amount which reduces the compensation payment to nil);
 - (c) enable the amount of a lump sum payment made before commencement to be recovered from a compensation payment made after commencement;
 - (d) make provision about certificates in respect of lump sum payments;
 - (e) apply any provision of this Act, with or without modifications.
- (4) References in subsection (1) to a payment made in consequence of a disease—
- (a) are references to a payment made by or on behalf of a person who is, or is alleged to be, liable to any extent in respect of the disease, but
 - (b) do not include references to a payment mentioned in Part 1 of Schedule 1.
- (5) In this section—
- (a) “commencement” means the date on which this section comes into force,
 - (b) “compensation payment” means a payment within section 1(1)(a) above,
 - (c) “dependant” has the meaning given by section 3 of the 1979 Act, and
 - (d) “extra-statutory payment” means a payment made by the Secretary of State to or in respect of a person following the rejection by the Secretary of State of a claim under the 1979 Act.”

Commencement Information

II S. 54 wholly in force; s. 54 not in force at Royal Assent see s. 62; s. 54 in force for certain purposes at 10.6.2008 and otherwise at 1.10.2008 by S.I. 2008/1476, art. 3(1)(b){(2)(a)}

Changes to legislation:

There are currently no known outstanding effects for the Child Maintenance and Other Payments Act 2008, Cross Heading: Recovery of mesothelioma and other lump sum payments.