Draft Regulations laid before Parliament under section 53(3) of the Child Maintenance and Other Payments Act 2008 (c. 6), for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2026 No.

SOCIAL SECURITY

The Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) (No. 2) Regulations 2026

Made - - - -	*****
Coming into force - -	*31st October 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 46(3), 53(1) and (2)(b) of the Child Maintenance and Other Payments Act 2008(**a**) ("the 2008 Act").

In accordance with section 53(3) of the 2008 Act, a draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament.

Citation, commencement, application and extent

1.—(1) These Regulations may be cited as the Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) (No. 2) Regulations 2026 and come into force on 31st October 2026.

(2) Regulation 4 applies only in relation to the dependant of a person who dies on or after 31st October 2026 and who, immediately before their death, had diffuse mesothelioma.

(3) These Regulations extend to England and Wales and Scotland.

Amendment of the Mesothelioma Lump Sum Payments (Conditions and Amounts) Regulations 2008

2. The Mesothelioma Lump Sum Payments (Conditions and Amounts) Regulations 2008(**b**) are amended in accordance with regulations 3 and 4.

Insertion of regulation 5A

3. After regulation 5 (amount of lump sum payment) insert—

"Payment to personal representatives

5A.—(1) Where—

(**a**) 2008 c. 6. Section 53 was amended by paragraph 18 of Schedule 11 to the Welfare Reform Act 2012 (c. 5).
(**b**) S.I. 2008/1963, amended by S.I. 2026/377; there are other amending instruments but none is relevant.

(a) a claim is made, and

(b) the person making the claim dies before payment is made,

payment must be made to the person's personal representatives, subject to the condition in paragraph (2) having been met.

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

(a) probate of the will of the person,

(b) letters of administration of the estate of the person, or

(c) confirmation as executor of the person,

has been provided to the Secretary of State.".

Amendment to the Schedule

4. In the Schedule, for Table 2 (together with the headings to the Table) substitute—

"Table 2

Amount of lump sum payment to dependant

Age of person with mesothelioma at death	Payment £
37 or under	120,566
38	118,221
39	115,882
40	113,543
41	111,199
42	108,858
43	107,691
44	106,513
45	105,347
46	104,176
47	103,005
48	99,733
49	96,457
50	93,173
51	89,901
52	86,614
53	84,275
54	81,939

Age of person with mesothelioma at death	Payment £
55	79,602
56	77,249
57	74,908
58	68,825
59	62,735
60	56,656
61	50,567
62	44,481
63	40,735
64	36,985
65	33,245
66	29,498
67	25,753
68	24,989
69	24,224
70	23,471
71	22,710
72	21,953
73	21,304
74	20,644
75	20,012
76	19,377
77 or over	18,733”.

Signed by authority of the Secretary of State for Work and Pensions

Department for Work and Pensions

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under the Child Maintenance and Other Payments Act 2008 (c. 6) ("the 2008 Act"), lump sum payments may be made to certain persons with diffuse mesothelioma or their dependants. The Mesothelioma Lump Sum Payments (Conditions and Amounts) Regulations 2008 (S.I. 2008/1963) ("the 2008 Regulations") set out the conditions to be met for a lump sum payment to be made, along with the rates of payment.

These Regulations amend the 2008 Regulations to:

- bring the dependant rates of payment in line with the rates for persons with diffuse mesothelioma;
- make it clear to whom payment can be made in the event the person making the claim dies before it is paid.

By virtue of regulation 1(2), the increased rates of pay for a dependant apply only in relation to a case where the sufferer dies on or after 31st October 2026.

A full impact assessment has not been produced as these Regulations concern financial assistance from the Department for Work and Pensions which is out of scope of the Better Regulation Framework.

An Explanatory Memorandum is available alongside these Regulations at www.legislation.gov.uk.

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