EXPLANATORY MEMORANDUM TO

THE MESOTHELIOMA LUMP SUM PAYMENTS (CONDITIONS AND AMOUNTS) (AMENDMENT) REGULATIONS 2015

2015 No.

1. This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty.

2. **Purpose of the instrument**

The Child Maintenance and Other Payments Act 2008 (the 2008 Act) makes provisions for lump sum compensation payments to be made to people suffering from diffuse mesothelioma, or their dependants, who meet the conditions of entitlement. One of the conditions of entitlement is that the sufferer has not received certain payments specified in the 2008 Act. The compensation payments are paid according to the age of the sufferer. This instrument increases the amounts of compensation paid to sufferers, or their dependants by 1.2%.

3. **Matters of special interest to the Joint Committee on Statutory Instruments.**

None.

4. **Legislative Context**

There is no obligation to increase the rates of payments under The Child Maintenance and Other Payments Act 2008, however, the Government has reviewed the rates in order to maintain their value in line with inflation. This instrument increases the current rates of payment set out in The Mesothelioma Lump Sum Payments (Conditions and Amounts) Regulations 2008 by 1.2%. The rates of payment set out in the 2008 Regulations were last uprated on 1 April 2014.

5. **Territorial Extent and Application**

This instrument applies to Great Britain.

6. **European Convention on Human Rights**

The Minister for Disabled People, Mark Harper MP has made the following statement regarding Human Rights:

"In my view the provisions of The Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations 2015 are compatible with the Convention rights."

7. Policy background

7.1. Part 4 of the Child Maintenance and Other Payments Act 2008 (the 2008 Act) enables a lump sum to be paid to people with diffuse mesothelioma, or to their dependants where the sufferers did not claim in their lifetime.

7.2. Although there is no obligation under the legislation to increase the payments in line with inflation, the Government has decided to increase the amounts set out in the Mesothelioma Lump Sum Payments (Conditions and Amounts) Regulations by 1.2% - the rate of inflation as measured by the September 2014 Consumer Prices Index, and in line with Industrial Injury Benefits and other social security disability benefits relating to disability and caring.

- **Consolidation**

7.3. This instrument increases the rates paid under The Child Maintenance and Other Payments Act 2008 and therefore consolidation is not relevant.

8. Consultation outcome

There is no duty to consult over these increases and a consultation has not been carried out.. These increases are at the rate of inflation as measured by the Consumer Prices Index, and are in line with Industrial Injury Benefits and other social security disability benefits rates which are increased under the existing statutory provisions.

9. Guidance

A guidance bulletin detailing new rates will be issued to claim processors in the DWP Barrow office with responsibility for processing these claims.

10. Impact

10.1. This instrument has no impact on business and civil society organisations.

10.2. The impact on the public sector is negligible.

10.3. An impact assessment has not been prepared for this instrument.

11. Regulating small business

This instrument does not apply to small business.

12. Monitoring & review

The changes in the payable rate aim to maintain the value of payments in line with inflation. It is intended that these rates will be reviewed each year.

13. Contact

Mandeep Kooner at the Department for Work and Pensions Tel: 0114 294 8431 or mail to mandeep.kooner@dwp.gsi.gov.uk can answer any queries regarding the instrument.