EXPLANATORY MEMORANDUM TO

THE MESOTHELIOMA LUMP SUM PAYMENTS (CONDITIONS AND AMOUNTS) (AMENDMENT) REGULATIONS 2026

2026 No. [XXXX]

1. Introduction

1.1 This Explanatory Memorandum has been prepared by Department for Work and Pensions and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Sir Stephen Timms MP, Minister for Social Security and Disability at the Department for Work and Pensions confirms that this Explanatory Memorandum meets the required standard.

2.2 Joel Weston, Deputy Director for Health and Disability Division at the Department for Work and Pensions confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Roberta Owen at the Department for Work and Pensions can be contacted by email at the following address with any queries regarding the instrument: roberta.owen@dwp.gov.uk.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

4.1 The Child Maintenance and Other Payments Act 2008[1] ("the 2008 Act") makes provision for the lump-sum compensation payments to be made to people with Diffuse Mesothelioma, or their dependants, who meet the conditions of entitlement. One of the conditions of entitlement is that the person with diffuse mesothelioma, has not received certain payments specified in Section 47 of the 2008 Act.

4.2 The instrument increases the amount of compensation paid to eligible people with diffuse mesothelioma, or their dependants, by 3.8%.

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is Great Britian.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is Great Britian.

4.5 The Department for Communities in Northern Ireland will be making corresponding provision for Northern Ireland.

[1] https://www.legislation.gov.uk/ukpga/2008/6/contents

5. Policy Context

What is being done and why?

5.1 The 2008 Act enables a lump-sum to be paid to people with Diffuse Mesothelioma. It also makes provision for payment to dependants where the person with diffuse mesothelioma did not claim a compensation payment before their death. For the purpose of the 2008 Act, "dependant" has a specific meaning set out in section 3 of the Pneumoconiosis etc. (Workers' Compensation) Act 1979[2]. Compensation payments to those with diffuse mesothelioma are set according to the age of the person with the disease. Information on how to make a claim under the 2008 Act is published on GOV.UK[3]

5.2 Although there is no obligation under the legislation to increase the level of payments, the Government has decided to increase the amounts set out in the Mesothelioma Lump Sum Payments (Conditions and Amounts) Regulations 2008 (the "2008 Regulations")[4] by 3.8%, the rate of inflation as measured by the September 2025 Consumer Price Index[5].

5.3 The increase in rates applies only to a claim a) by a person who was first diagnosed with diffuse mesothelioma on after 1 April 2026, or b) made on or after 1 April 2026 by a person with diffuse mesothelioma where the date of diagnosis is unknown, or c) by a dependant of a person who died on or after 1 April 2026 and who, immediately before their death, had diffuse mesothelioma.

What was the previous policy, how is this different?

5.4 Without this change, payment rates under the 2008 Act would remain as currently set out in the 2008 Regulations (as amended by the Mesothelioma Lump Sum Payments (Conditions and Amounts) (Amendment) Regulations 2025).

6. Legislative and Legal Context

How has the law changed?

6.1 The Government has reviewed payment rates under the 2008 Act and decided to uprate these payments to maintain their value in line with inflation. This instrument increases the current rate of payments as set out in the 2008 Regulations by 3.8%.

Why was this approach taken to change the law?

6.2 The 2008 Act does not require that the rates of compensation be increased in line with inflation. However, the rates of compensation payments have been uprated in this way annually since 2010. The rates of payments set out in the 2008 Regulations were last uprated on 1 April 2025, and this increase will ensure that these rates maintain their value in line with inflation.

[2] https://www.legislation.gov.uk/ukpga/1979/41/contents
[3] https://www.gov.uk/diffuse-Mesothelioma-payment/how-to-claim
[4] https://www.legislation.gov.uk/uksi/2008/1963/contents
[5] https://www.ons.gov.uk/economy/inflationandpriceindices/bulletins/consumerpriceinflation/september2025

7. Consultation

Summary of consultation outcome and methodology

7.1 There is no duty to consult over these increases, and a consultation has not been carried out. This is an uprating instrument only, which increases the rates of payments under the 2008 Act in line with inflation.

8. Applicable Guidance

8.1 Prior to implementation internal guidance detailing the new rates will be issued to claim processors responsible for processing claims under the 2008 Act and the new figures will also be updated on the GOV.UK following the new rates coming into force.[6]

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because the impact on the public sector is negligible. There will be an estimated £0.51m increase to the Department for Work and Pensions (DWP) Departmental Expenditure Limit for 26/27.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant impact on business, charities or voluntary bodies because this is an uprating instrument only.

9.3 The legislation does not apply to small or micro businesses.

9.4 There is no, or no significant, impact on the public sector because the volume of payments made under the 2008 Act scheme is low. The total increase to the DWP Departmental Expenditure Limit for 26/27 is set out in Paragraph 9.1.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is to review the payable rates each year.

10.2 The instrument does not include a statutory review clause.

Part Three: Statements and Matter of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 The Minister for Social Security and Disability, Sir Stephen Timms 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 2026 are compatible with the Convention rights"

[6] https://www.gov.uk/diffuse-Mesothelioma-payment/what-youll-get

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”)