EXPLANATORY MEMORANDUM TO

THE MESOTHELIOMA LUMP SUM PAYMENTS (CONDITIONS AND AMOUNTS) (AMENDMENT) REGULATIONS 2024

2024 No. 237

1. Introduction

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

2. Purpose of the instrument

2.1 The Child Maintenance and Other Payments Act 2008[1] ("the 2008 Act") makes provision 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 disease sufferer has not received certain payments specified in Section 47 of the 2008 Act.

2.2 This instrument increases the amounts of compensation paid to sufferers, or their dependants, by 6.7%.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is Great Britain.

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

4.3 The Department for Communities in Northern Ireland will be making corresponding provisions for Northern Ireland.

5. European Convention on Human Rights

5.1 The Minister for Disabled People, Health and Work, Mims Davies 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 2024 are compatible with the Convention rights."

6. Legislative Context

6.1 The 2008 Act does not require that the rates of compensation be increased. However, the Government has reviewed the rates and decided to uprate the value of payments to

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

maintain their value in line with inflation. This instrument increases the current rates of payments set out in the Mesothelioma Lump Sum Payments (Conditions and Amounts) Regulations 2008[2] ("the 2008 Regulations") by 6.7%.

6.2 The rates of payment set out in the 2008 Regulations were last uprated on 1 April 2023.

7. Policy background

What is being done and why?

7.1 The 2008 Act enables a lump sum to be paid to people with Diffuse Mesothelioma. It also makes provision for payments to dependants, where the disease sufferer 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[3].

7.2 Compensation payments are set according to the age of the disease sufferers.

7.3 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 by 6.7% - the rate of inflation as measured by the September 2023 Consumer Prices Index.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 Consolidation is not necessary because this instrument is an uprating instrument.

10. Consultation outcome

10.1 There is no duty to consult over these increases and a consultation has not been carried out.

11. Guidance

11.1 Prior to implementation a guidance bulletin detailing the new rates will be issued to the claim processors responsible for processing claims under the 2008 Act and the new figures will be published on GOV.UK.

12. Impact

12.1 There is no significant impact on business, charities, or voluntary bodies.

12.2 There is no significant impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because the impact on the public sector is negligible. There will be an estimated £0.67m increase to the DWP Departmental Expenditure Limit for 24/25.

[2] https://www.legislation.gov.uk/uksi/2008/1963/contents
[3] https://www.legislation.gov.uk/ukpga/1979/41/contents

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The changes in the payable rates aim to maintain the value of payments in line with the rate of inflation. The approach to monitoring of this legislation is to review the rates each year.

15. Contact

15.1 Georgina Wood at the Department for Work and Pensions can be contacted with any queries regarding the instrument - telephone: 0300 038 5486 or email: Georgina.Wood1@dwp.gov.uk.

15.2 Sam Hainsworth, Deputy Director for ESA, WCA, IIS and DMA Policy & Performance, at the Department for Work and Pensions can confirm that this Explanatory Memorandum meets the required standard.

15.3 Mims Davies MP, Minister for Disabled People, Health and Work at the Department for Work and Pensions can confirm that this Explanatory Memorandum meets the required standard.