

Government lump sum payments for mesothelioma and other lung diseases

All victims of mesothelioma are entitled to a prompt lump sum payment from the Department for Work and Pensions (DWP) provided they have not already received compensation in a civil claim. The DWP pays these lump sums to sufferers under two schemes:

- The Pneumoconiosis etc (Workers' Compensation) Act 1979 (the 1979 Act)
- The 2008 Diffuse Mesothelioma Scheme (the 2008 Scheme)

Payments under the 1979 Act are higher than under the 2008 Scheme and it is important that provided a mesothelioma sufferer satisfies its conditions, an application is made under the 1979 Act rather than the 2008 Scheme

The Pneumoconiosis etc (Workers' Compensation) Act 1979

- Payments are made for mesothelioma and other lung diseases if the disease is caused by exposure to specific dusts (including asbestos) at work
- The lung diseases for which a claim can be made are:
 - diffuse mesothelioma
 - pneumoconiosis (including silicosis, asbestosis and kaolinosis)
 - primary carcinoma of the lung where there is accompanying evidence of one or both of the following:
 - i. asbestosis
 - ii. bilateral diffuse pleural thickening
 - diffuse pleural thickening
 - byssinosis

Payments for the diseases above can only be made if:

- industrial injuries disablement benefit has been awarded for one of the lung diseases **and**
- no court action for compensation has been started or an out of court payment received **and either**
- the employer which caused or contributed to asbestos exposure has stopped trading **or**
- if the employer is still trading, there must be no realistic chance of receiving compensation **or**
- the work which caused the lung disease ended more than 20 years ago

The requirement that industrial injuries disablement benefit has been awarded means that the 1979 Act payments can only be made to individuals who were exposed to asbestos as employees.

The 2008 Diffuse Mesothelioma Scheme

This scheme is designed to provide prompt payment of a lump sum to all sufferers of diffuse mesothelioma, provided compensation has not been received in a civil claim. Its wide scope contrasts with that of the 1979 Act under which only victims exposed to asbestos as an employee are eligible for a payment.

Among the classes of sufferers who can apply are the following:



- **self employed**

Victims who were only ever exposed to asbestos dust while self employed. If however, a sufferer had some exposure as an employee, including as an apprentice and some additional exposure whilst working on a self employed basis, the sufferer would qualify for a payment under the 1979 Act.

- **domestic exposure**

Sufferers who were exposed to asbestos domestically e.g. a wife who washed her husband's clothes or a child, parent or other family member exposed through someone bringing asbestos home on his/her work clothes.

- **environmental exposure**

Victims exposed to asbestos dust whilst living near an asbestos factory.

When to apply

For a payment under 1979 Act: An application must be made within 12 months of being awarded industrial injuries disablement benefit.

For a payment under 2008 Scheme: An application must be made within 12 months of diagnosis of mesothelioma.

Application after death

Claims can be made under both the 1979 Act and 2008 Scheme after the sufferer's death. Partners and dependants can make the claim but must do so within 12 months of the date of death.

The payments awarded are lower if an application is made after death. Therefore, it is usually advisable to apply whilst the sufferer is alive because, even if the DWP does not process the application before death and only does so after death, payment is made at the higher "living basis" rate.

How to apply

The application form under both schemes is the same. It is the “Mesothelioma and other lung diseases PWC1” form. A sufferer should only complete the part relevant to the particular scheme under which the application is being made.

It is advisable if possible to include with the application, or as soon as possible afterwards, a letter from a doctor or a nurse confirming the diagnosis, as this speeds up the application process.

Once the form has been completed it should be returned to:

PWC Team
Jobcentre Plus
Barrow IIDB Centre
Pittman Way
Preston, PR11 2AB

Freephone: 0800 279 2322

Lump sum deducted from compensation received in civil claims

If later a civil claim for compensation is successful, there is no repayment to the DWP by the sufferer. It is the compensator (i.e. the payer of the compensation in the civil claim) which deducts the sum received under the 1979 Act or 2008 Scheme from the settlement before it is paid to the sufferer.

“Fast tracking” of applications

The DWP aims to deal with applications in mesothelioma cases under both the 1979 Act and the 2008 Scheme promptly. Payments are often received within about a month of the application.

Rates from April 2009: Living Claims

LIVING CLAIMS		
Age of Victim	1979 Act	2008 Scheme
37 and under	£74,065	£52,772
38	£72,625	£51,747
39	£71,187	£50,722
40	£69,750	£49,698
41	£68,311	£48,673
42	£66,873	£47,648
43	£66,155	£47,137
44	£65,432	£46,621
45	£64,716	£46,112
46	£63,997	£45,599
47	£63,277	£45,086
48	£61,266	£43,653
49	£59,254	£42,219
50	£57,236	£40,781
51	£55,225	£39,349
52	£53,208	£37,911
53	£51,771	£36,888
54	£50,334	£35,864
55	£48,899	£34,841
56	£47,455	£33,812
57	£46,018	£32,789
58	£42,281	£30,125
59	£38,539	£27,460
60	£34,805	£24,799
61	£31,064	£22,133
62	£27,324	£19,469
63	£25,022	£17,829
64	£22,720	£16,189
65	£20,423	£14,551
66	£18,121	£12,911
67	£15,820	£11,272
68	£15,352	£10,939
69	£14,883	£10,604
70	£14,418	£10,273
71	£13,952	£9,941
72	£13,484	£9,608
73	£13,087	£9,325
74	£12,683	£9,037
75	£12,294	£8,759
76	£11,902	£8,480
77 and over	£11,505	£8,197

Rates from April 2009: Posthumous Claims

POSTHUMOUS CLAIMS		
Age of Victim	1979 Act	2008 Scheme
37 and under	£33,618	£23,953
38	£32,789	£23,362
39	£31,963	£22,774
40	£31,136	£22,185
41	£30,309	£21,595
42	£29,483	£21,007
43	£28,692	£20,444
44	£27,892	£19,874
45	£27,106	£19,313
46	£26,316	£18,751
47	£25,527	£18,189
48	£24,555	£17,496
49	£23,584	£16,804
50	£22,613	£16,112
51	£21,646	£15,423
52	£20,677	£14,732
53	£19,880	£14,165
54	£19,092	£13,603
55	£18,300	£13,039
56	£17,505	£12,473
57	£16,717	£11,911
58	£14,528	£10,351
59	£12,332	£8,787
60	£10,140	£7,226
61	£7,946	£5,662
62	£5,750	£4,098
63	£5,124	£3,651
64	£4,501	£3,207
65	£3,863	£2,752
66	£3,236	£2,306
67	£2,610	£1,859
68		
69		
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72		
73		
74		
75		
76		
77 and over		

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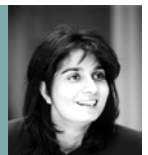
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