



MESOTHELIOMA UK

Supporting People With This Asbestos Cancer

Lump Sum Payment Factsheet

May 2018

Have you been diagnosed with mesothelioma?

If so, you may be entitled to a lump sum payment under the **Pneumoconiosis etc (Workers' Compensation) Act 1979**.

You will be entitled to this if your exposure to asbestos occurred whilst at work or on an approved employment training scheme/course provided:

- you are entitled to Industrial Injuries Disablement Benefit for mesothelioma. (see separate factsheet)
- no court action for damages has been brought in relation to the mesothelioma and no court settlement has been received.
- the employer/training provider who caused/contributed to asbestos exposure has stopped trading, **or**

- if the employer/training provider is still trading, there must be no realistic chance of getting damages, **or**
- the work which caused the lung disease was more than 20 years ago.

The 2008 Diffuse Mesothelioma Scheme

If you are unable to make a claim under the Pneumoconiosis etc (Workers' Compensation) Act 1979 and have not received payment in respect of the disease from an employer, a civil claim or elsewhere and are not entitled to compensation from a Ministry of Defence Scheme, you can claim a one-off lump sum payment under the 2008 Diffuse Mesothelioma Scheme.

This scheme also covers people whose exposure to asbestos is not as a result of their work as an employee, for example if

- contact with asbestos is from a relative (for example, by washing their clothes), **or**
- exposure to asbestos was in the environment (for example, they lived near a factory using asbestos), **or**
- exposure to asbestos was whilst self-employed, **or**
- exposure cannot be specified but it occurred in the United Kingdom.

How much is the lump sum payment?

The lump sum is assessed according to the applicant's age: the younger you are, the higher the award. The amounts paid under the 1979 Act and under the 2008 Scheme are the same. The amounts are reviewed each year, normally in April. For up to date figures please contact the Mesothelioma UK National Welfare Benefits Adviser (see below for details).

Can I still make a civil claim for damages if I have received a lump sum payment?

The payment of a lump sum under either the 1979 Act or the 2008 Scheme does not prevent you from subsequently starting court proceedings. It is advisable to make an application for the lump sum as soon as possible. This will almost certainly be processed and paid before a solicitor is ready to issue court proceedings in a civil claim. Applications for a lump sum are normally processed within a month of the initial application. If you are subsequently awarded damages in a civil claim, the lump sum does not have to be paid back but rather the civil damages awarded are reduced by the amount of the lump sum.

How do I make a claim when exposure to asbestos was as a result of work as an employee under the Pneumoconiosis etc (Workers' Compensation) Act 1979.

- Ensure that you make a claim for Industrial Injuries Disablement Benefit (see separate factsheet). Do not wait for a decision on this benefit before claiming lump sum compensation.

- Claims should be made on form PWC1. (How to obtain forms can be found at the end of this factsheet.)
- You need to claim the lump sum payment within 12 months of a decision maker awarding Industrial Injuries Disablement Benefit.
- A late claim may be accepted but you will need to explain the reason as to why the claim is late.

How do I make a claim under the 2008 Diffuse Mesothelioma Scheme?

- Claims should be made on form PWC1. (How to obtain forms can be found at the end of this factsheet.)
- Claims must be made within 12 months of the date of diagnosis.
- A late claim may be accepted but you will need to explain the reason as to why the claim is late.
- You will be asked to submit medical evidence with your claim showing that you are suffering from Mesothelioma. A further medical examination will not be required.

How do I make a claim if I am the relative or partner of someone who has died of mesothelioma?

One of the following people can make a claim for a lump sum payment and will be considered in the following order:

- The married widow or widower of a sufferer who has died.
- The child of a sufferer who is under age 16 or under age 21 but not in full time employment.
- The partner of a sufferer who has been living with the sufferer up to the date of death but there must not be a married widow or widower still alive.
- Any other relative who was financially dependent on the sufferer at the time of his/her death.

If the person who has died was exposed to asbestos as a result of work as an employee you can claim under the Pneumoconiosis etc (Workers' Compensation) Act 1979. You should claim on form PWC1 within 12 months of the date of the person's death.

You must also have submitted a claim for Industrial Injuries Disablement Benefit (see separate sheet) and it has been accepted that the person who has died was suffering from mesothelioma.

If you are unable to apply under the 1979 Act you can apply under the 2008 Diffuse Mesothelioma Scheme.

You should claim on form PWC1 within 12 months of the date of the person's death. It must have been accepted that the person who has died was suffering from mesothelioma.

The amount paid in posthumous claims under both the 1979 Act and the 2008 Scheme is lower than in applications made on a living basis.

Claim forms

Claim forms should be obtained from and returned to:

PWC Team,
Barrow Benefit Centre,
Post Handling Site B,
Wolverhampton, WV99 1RX

Tel: 0800 279 2322

Further help

For help to check benefit entitlement, assistance with form filling or to discuss any problems with benefit/compensation applications please contact the Mesothelioma UK National Welfare Benefits Adviser on **0800 169 2409** or email **info@mesothelioma.uk.com**

Alternatively, you can contact an Asbestos Support Group or your local Citizens Advice office.