

fieldfisher

# GOVERNMENT LUMP SUM PAYMENTS FOR MESOTHELIOMA

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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)

For any person diagnosed with mesothelioma on or after 1 April 2010, payments under both schemes will be the same. This is because payments under the 2008 scheme have been increased up to the levels under the 1979 Act.

Since payments under the 2008 scheme are unconditional, it is the better scheme for mesothelioma sufferers and their families to use.

## 2008 Diffuse Mesothelioma Scheme

This scheme is designed to provide prompt payment of a lump sum to all sufferers from 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, and, even then, only if certain conditions are fulfilled.

## Qualifying Criteria

The qualifying criteria for the 2008 Diffuse Mesothelioma Scheme are:

- There must be evidence to show that the victim suffers from diffuse mesothelioma
- The mesothelioma sufferer must have been exposed to asbestos in the UK
- The claim must have been made within one year of diagnosis or, in the case of a claim being made by a dependant, within one year of the date of death.

## Application after death

Partners and dependants can make the claim. 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 only processes the application after death, payment is made at the higher "living basis" rate.

## How to apply

The application form is the "Mesothelioma and other lung diseases" form PWC1. It is necessary to complete parts 1, 4, 6, 7 and 8 and, in a fatal case, parts 2 and/or 3 as well. Claimants must provide evidence of diffuse mesothelioma. Normally a letter from a doctor or cancer nurse is appropriate. Copies of hospital letters, X-ray or scan reports, or biopsy results may also suffice. In a fatal case, a post mortem report or an interim or final death certificate is suitable.

Once the form has been completed, it should be sent with the above medical evidence to:

PWC Team, Jobcentre Plus, Barrow IIDB Centre,  
Pittman Way, Preston PR11 2AB  
Freephone: 0800 279 2322

## Consequences

If, later, a civil claim for compensation is successful, there is no direct repayment of the lump sum to the DWP. Instead the defendant will deduct the sum received from the settlement before it is paid. Before applying under the scheme those receiving means tested benefits should seek advice on the circumstances in which an award might lead their widow or them to lose such benefits.

## “Fast tracking” of applications

The DWP aims to deal with applications in mesothelioma cases promptly. Payments are often received within a month of the application.

## Lump sum payment rates for mesothelioma

Rates from 1st April 2024

Age of the person with diffuse mesothelioma	Living Claim Payment (£)	Posthumous Claim Payment (£)
37 and under	114,210	59,436
38	111,989	58,159
39	109,774	56,884
40	107,558	55,609
41	105,337	54,334
42	103,120	53,060
43	102,015	51,839
44	100,899	50,608
45	99,794	49,396
46	98,684	48,177
47	97,575	46,960
48	94,476	45,464
49	91,373	43,963
50	88,262	42,468
51	85,162	40,976
52	82,048	39,479
53	79,833	38,253
54	77,619	37,038
55	75,406	35,818
56	73,177	34,590
57	70,960	33,374

Age of the person with diffuse mesothelioma	Living Claim Payment (£)	Posthumous Claim Payment (£)
58	65,197	29,999
59	59,428	26,611
60	53,670	23,233
61	47,902	19,850
62	42,137	16,463
63	38,588	15,497
64	35,035	14,538
65	31,493	13,554
66	27,943	12,586
67	24,395	9,840
68	23,672	9,840
69	22,947	9,840
70	22,234	9,840
71	21,513	9,840
72	20,795	9,840
73	20,181	9,840
74	19,556	9,840
75	18,957	9,840
76	18,356	9,840
77 and over	17,745	9,840

# Meet the Team

## Peter Williams

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**Peter is head of the group.** He has specialised in asbestos-related disease claims for over 30 years and he gives annual talks to solicitors on the issues. In legal directories, Peter is described as:

*‘Peter Williams is a ruthless analyst of the other side’s weaknesses and has very high client-care skills’ and is seen by market sources as “a true expert” with “very detailed knowledge.’*

## Shaheen Mosquera

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**Shaheen is a Partner in our asbestos disease team.** She has been representing victims of asbestos and in particular those diagnosed with mesothelioma for many years. She is an APIL accredited Senior Litigator and Specialist in Occupational and Asbestos Disease claims. She has recovered millions of pounds in damages for those diagnosed with mesothelioma and other asbestos related diseases.

## Bridget Collier

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**Bridget heads up our mesothelioma and asbestos claims practice in the North of England.** Bridget has over 20 years’ experience in conducting asbestos, industrial disease and employer liability claims. She sat on the Executive Committee of APIL and the Oversight Committee of the DMPS. Bridget is an APIL accredited specialist asbestos claims solicitor.

## Charlotte Thorpe

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**Charlotte joined Fieldfisher’s asbestos disease team in 2021.** Charlotte has experience acting for those exposed to asbestos, and specialises in mesothelioma and asbestos disease claims.

## Andrew Morgan

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**Andrew has specialised in asbestos disease claims since 1993.** He is a past coordinator of the Occupational Health Group of the Association of Personal Injury Lawyers (APIL) and is an APIL Fellow. In legal directories, Andrew is described as:

*Andrew has “a strong reputation for his expertise in handling industrial disease work, particularly mesothelioma cases” and sources describe him as “true specialist” and “a very talented lawyer”.*

## Natalie Amara

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**Natalie joined Fieldfisher’s asbestos disease team in 2022.** She places great emphasis on client care, ensuring she keeps clients and their loved ones as informed and involved as possible in all stages of their case.

## Dushal Mehta

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**Dushal is a Partner at Fieldfisher and specialises in acting for clients with mesothelioma and other asbestos related diseases.** He is recognised in all the leading legal directories for his expertise.

*‘Dushal is described by sources as “extremely hard-working and willing to take on difficult cases’*

## Abby Bennett

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**Abby Bennett joined Fieldfisher’s asbestos disease team in 2023.** She has experience in personal injury claims, with a particular interest in asbestos related disease claims.

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