

Diffuse Mesothelioma Special Payment Application Form

Application from an adult who has **diffuse mesothelioma** for an interest free loan payment under Article 8(2) and 8(5) of the Income Support (Jersey) Law 2007.

Fill in this form if:

- you have diffuse mesothelioma (DM); or
- you are acting on behalf of someone who has DM

Please read these notes and the Policy Guidelines before you fill in this form

Policy Guidelines

Please refer to section 8.9 of the [“Income Support Policy Guidelines”](#) document for further details

How Customer and Local Services (CLS) collects and uses information

We need to collect information about you in order to allow the Minister for Social Security to make a decision on your loan payment.

We may get information about you from others for any of our purposes if it is legal for us to do so. We may also share information with certain other people and organisations if it is legal for us to do so.

Notes

What is a diffuse mesothelioma special payment?

People who have diffuse mesothelioma (DM) caused by exposure to asbestos in Jersey can apply for a lump-sum interest free loan payment.

You can apply if you:

- are 18 years or older
- live in Jersey and have done so for the last 5 years
- were exposed to asbestos-containing materials (ACMs) in Jersey. **Normally this will be through your work history and we will check this against your records held by CLS.**
- Have had a diagnosis of diffuse mesothelioma from a Hospital Consultant in Jersey. **Your Respiratory Consultant in Jersey will give you a letter confirming your diagnosis**

You cannot apply for a payment if:

- you have not been diagnosed with DM; or
- you were not exposed to ACMs in Jersey

What if I've started another claim?

If you have **started a claim** for your exposure to ACMs already, you can still apply. However, if you are awarded a payment under that claim, you will be required to repay the loan you receive up to the total value of the loan.

What if I've already received a payment?

If you have **already been awarded** compensation or any other payment for exposure to ACMs you can still apply. However, the amount you have already received will be deducted from the maximum available and you will receive a lower amount.

What if I die before I receive a payment?

We will work with you to process your claim without delay. If you die before your application has been completed, a close relative may be able to apply for a lower loan amount.

When to apply

- If you were diagnosed at any time before 01 January 2019 you can apply up to 31 December 2019;
- If you have had a diagnosis of DM since 1 January 2019 you can apply for up to 12 months from the date of your diagnosis

Part 3: Compensation or other payment

Have you been paid any compensation or other payment because of your exposure to asbestos-containing materials? This includes payments made in Jersey or in any other country.

For example:

- damages awarded by a Court;
- an out of Court settlement;
- compensation from an employer;
- payment from an Armed Forces Compensation Scheme;
- payment from the UK government's Worker's Compensation (1979) Scheme or 2008 Scheme;
- payment from the UK's Diffuse Mesothelioma Payment Scheme (DMPS).

If you have already been awarded a payment for exposure to asbestos-containing materials, you can still apply.

However, the amount you have already received will be taken into account when calculating the loan payment.

Are you waiting to hear about any compensation or other claim because of your exposure to asbestos-containing materials?

If you have **started a civil compensation claim** or any other claim in respect of your exposure to asbestos-containing materials and may receive a payment in Jersey or in any other country, you can still apply. **However, if you are awarded a payment, you will be required to repay some or all of your loan.**

No Yes. Provide details below (including total monetary value):

If you need more space, please use a separate piece of paper and attach it to your application form.

No Yes. Provide details below:

If you need more space, please use a separate piece of paper and attach it to your application form.

Part 6a: Declaration of Applicant

Tick each statement of the declaration below to confirm that you understand and agree to these conditions:

- I declare that the information I have given on this form is correct and complete as far as I know and believe.
- I understand that if I knowingly give information that is incorrect or incomplete, I may have to repay any loan that I receive.
- I understand that I must promptly tell CLS if I get a payment from another source for exposure to asbestos-containing materials (ACMs) and if I fail to promptly tell CLS I may be required to repay the loan.
- I understand that if I receive a loan payment and I then get a payment from another source for exposure to asbestos-containing materials (ACMs) I will need to repay some or all of the loan.
- I understand that CLS may verify the information I have provided them against information it holds about me.
- I understand that CLS may contact my hospital consultant to verify details of my diagnosis.
- I wish to make a claim for an interest free loan payment and I have signed the “Loan Payment Agreement” included in Part 7 of this form.**

Part 6b: Appointing an Agent

Tick one:

- I do not want to appoint an agent at this time.
- I want to appoint the Agent named in Part 5 to act on my behalf to receive information about my claim.
- I want to appoint the Agent named in Part 5 to act on my behalf regarding all matters relating to my claim.

Print Name:

Signature:

Date:

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Part 7 – LOAN PAYMENT AGREEMENT

DIFFUSE MESOTHELIOMA SPECIAL PAYMENT – LOAN PAYMENT AGREEMENT

THIS AGREEMENT is made the day of 20[*insert year*]

BETWEEN:

The Minister for Social Security (“the Minister”)

and;

[<*insert name of Eligible Applicant*>], (**‘The Applicant’**).

together the **‘Parties’**

WHEREAS

The Minister has agreed to enable a one-off special interest free loan payment to be made:

to an individual who, as a result of exposure to asbestos fibres in Jersey, has contracted Diffuse Mesothelioma; or

following the death of an individual who as a result of exposure to asbestos fibres in Jersey, has contracted Diffuse Mesothelioma: to a close relative of the individual.

The Minister makes this payment under the vires of Article 8 (2) and (5) of the Law.

The Applicant has applied for a payment.

The Parties wish to record the payment, on a binding basis, on the terms set out below.

IT IS HEREBY AGREED AS FOLLOWS:

Interpretation

A word importing one gender shall (where appropriate) include any other gender and a word importing the singular shall (where appropriate) include the plural and vice versa.

The headings in this Agreement are for convenience only and do not affect its interpretation.

“A Claim” means any action, claim, right, demand and set-offs, whether in this jurisdiction or any other, whether or not presently known to the parties or to law, and whether in law or equity.

Agreement

On signature of this Loan Payment Agreement by the Parties this agreement shall (subject only to the provisions of this Loan Payment Agreement) become a binding agreement between the Parties. The terms of this Loan Payment Agreement shall be enforceable as a contract by any party.

The Applicant confirms that (s)he understands fully the terms and effect of this Loan Payment Agreement and is not aware of any matter that would adversely impact on the enforceability of any of its terms.

Subject to the terms and conditions, the Minister shall grant the Applicant a payment as detailed in section 8.9 of the published Policy Guidance (“the Loan Payment”).

The Applicant commits to notify the Minister promptly in the event that the Applicant receives compensation from a separate claim for exposure to asbestos-containing materials.

The Applicant commits to repay the Minister the value of any additional compensation received up to the full value of the Loan Payment in the event that the Applicant receives compensation from a separate claim for exposure to asbestos-containing materials following receipt of the Loan Payment

Payment

The Minister shall make the interest free Loan Payment.

The Parties have agreed that the Loan payment will be made to the bank account referenced in Part 4 of this application.

A table of payment values is included in the Income Support Policy Guidelines document. This document is public and can be found here – [Policy Guidelines](#)

Warranty

Each Party confirms in respect of itself that it does not have any knowledge of any other claims arising in connection with the Application as at the date of this Agreement.

Liability

Nothing in this Agreement shall be represented or construed as an admission of liability on the part of the Government of Jersey.

Variations

No amendment or variation of this Agreement will be valid unless agreed in writing by an authorised signatory of each Party.

Governing law and jurisdiction

This Agreement shall be governed by and construed in accordance with Jersey law. Any dispute arising out of or in connection with, or concerning the carrying into effect of, this Agreement shall be subject to the exclusive jurisdiction of the Royal Court of Jersey, and the Parties hereby submit to the exclusive jurisdiction of that court for these purposes.

SIGNATORIES

Signed:

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For and on behalf of the Minister

Payment Sum: £.....

Signed:

.....

Applicant