

## **Government makes u-turn on T & N asbestos compensation payments**

From the 1<sup>st</sup> October 2008, due to a new law, more people were able to apply for a lump sum payment from the government when they develop an asbestos related condition. This law ended the windfall that insurance companies have had for years, where they were able to deduct the lump sum payment a person received from the government from any compensation claim they paid without having to pay it back. Unfortunately, this new law also disadvantaged those whose exposure to asbestos was by Turner & Newalls or one of their companies.

Turner & Newalls went into administration in 2001. They subsequently set up a scheme to compensate those who suffer from an asbestos related disease as a result of their exposure by a Turner & Newall company. This scheme does not pay compensation in full. People receive a percentage of the full value of their claim, which varies depending on which company they were exposed by.

From the 1<sup>st</sup> October 2008, once Turner & Newalls had decided how much compensation a person received, they deducted the lump sum payment from the government from the compensation. This meant that sufferers had their compensation reduced even further.

Prior to the 1<sup>st</sup> October 2008, Turner & Newalls had not taken into account the 1979 Act payment when making an award.

For example, where a person has died from mesothelioma, the value of the claim under Turner & Newalls expedited scheme is £110,000. If they worked for Turners Asbestos Cement in the early 1960's then they would receive 17p for each £1 which gave them an award of £18,760. Before the 1<sup>st</sup> October 2008 they would receive £18,760 in full. After the 1<sup>st</sup> October this is reduced by the 79 Act payment which, if they were say 71 years of age, is £13,288. This meant the amount they would receive from Turner & Newalls was £5,472. Before the 1<sup>st</sup> October they would have received the £18,760 plus £13,288, an award of £32,048.

The government has now agreed to change this so that Turner & Newalls will no longer have to repay this money to them. Sufferers who receive money from Turner & Newalls will not therefore have the amount of compensation they receive reduced by the amount of the lump sum payment from the government.

It is not yet known when this will come into force, but it is hoped it will not take too long. We do not yet know whether Turner & Newalls will be able to claim the money back from the government which they have paid to them between the 1<sup>st</sup> October 2008 and the change in the law in the next few months. If the government does agree to refund this money, then we hope it will be paid to those who have had their T&N payments reduced during this period.

### **John Pickering and Partners LLP- Specialist [mesothelioma compensation](#) solicitors**

We are a specialist personal injury law firm. We have been handling claims for industrial disease for over 30 years. Most of our work involves acting for asbestos disease victims. We only act for the sufferers of asbestos diseases and never act for the organisations that caused the asbestos exposure or their insurers. We have an ethical approach and pledge to donate 10% of our net profits every year to good causes that help asbestos sufferers. [Click here](#) to find out about our donations to good causes. We have also been involved in most of the landmark judgments that shape this area of law. Find out more [about us](#) or find out about [our](#)

[reported cases](#). We are on the panels of several asbestos support groups and are ranked highly by legal guides. [Click here](#) to find out more about what others have said about us.

[John Pickering and Partners LLP](#) is a niche legal practice that has represented Claimants in the leading asbestos "test cases" in the last ten years. The firm represented Sylvia Barker in *Barker v Corus (UK) Plc*, a case that highlighted the legal tactics of employers and insurers trying to cut back their compensation liabilities to mesothelioma sufferers, and which prompted the amendment of the Compensation Act 2006 to ensure full compensation for mesothelioma claims. The firm represented two of the three Claimants in the *Fairchild appeal*, in which the insurance industry tried unsuccessfully to block compensation altogether for mesothelioma sufferers unable to identify which of two or more sources of asbestos exposure had caused their illness.

The firm represented Alice Jefferson, a mesothelioma sufferer, whose illness and compensation claim against Cape Asbestos were featured in the important documentary "*Alice: A Fight For Life*." Shown by Yorkshire Television in July 1982, the programme was an important catalyst for legal change and public awareness of the plight of asbestos disease sufferers.

If you need advice about an asbestos related illness, [contact us](#) now for information about making a claim for compensation.

**Further information:**

Helen Wilson, Solicitor  
John Pickering and Partners LLP  
Old Exchange Buildings  
St Ann's Passage  
29/31 King Street  
Manchester  
M2 6BE

Telephone: 0161 834 1251  
E-mail: [hw@johnpickering.co.uk](mailto:hw@johnpickering.co.uk)  
Website: [www.johnpickering.co.uk](http://www.johnpickering.co.uk)  
FREEPHONE: 0800 854201  
[www.mesotheliomaadvice.co.uk](http://www.mesotheliomaadvice.co.uk)

[Contact us](#) to find out more about your entitlement to claim compensation if you have been diagnosed with an asbestos related condition.