

Insurers' bid to halt Scottish law change

A group of insurers have lodged a judicial review against The Damages (Asbestos-related conditions) (Scotland) Act. The Act makes pleural plaques a compensatable condition in Scotland but does not apply to England, Wales and Northern Ireland.

Compensation has not been paid to pleural plaque sufferers since the decision of the House of Lords in the case of Rothwell in 2007.

The bid, an attempt to defeat an Act which would be very costly for insurers, is being brought by Aviva, AXA Insurance, RSA and Zurich who represent over half the employers' liability insurance market.

Claimant groups have welcomed the Scottish parliament's boldness in putting right what many see as an obvious wrong following Rothwell. Westminster is still to publish its findings following a public consultation on the law on pleural plaques. It is hoped that it too will act decisively and restore justice for pleural plaque victims.

The outcome of the judicial review will be posted on: www.johnpickering.co.uk



An X-ray illustrating pleural plaques.

Halifax HX1 2HX
Tele: 01422 345535
Fax: 01422 438500
Email: rd@johnpickering.co.uk

Notes

[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 mesothelioma and other asbestos disease sufferers and a prompt for important legal reform.

Mesothelioma is a type of cancer that affects the lining of certain bodily organs. It most commonly affects the lining of the lungs (the pleura) but it can affect other areas including organs in the abdominal cavity (the peritoneum).

According to the [British Lung Foundation](#), more than 2,000 people are diagnosed with mesothelioma every year in the UK and there is one mesothelioma death every five hours. The number of deaths from mesothelioma increased from 153 in 1968 to 1,969 in 2004 and is expected to peak at 2,450 between 2011 and 2015.

The [British Lung Foundation](#), supported by John Pickering and Partners LLP, launched the first Action Mesothelioma Day on 27th February 2006, to raise awareness about mesothelioma, to improve the treatment and care of mesothelioma patients, and to lobby for better funding for research into mesothelioma and for the protection and education of people working with asbestos.

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