

More Delays For Anxious Asbestos Sufferers

The State Opening of Parliament to mark the start of the Parliamentary session took place on the 18th November 2009. The ceremonial opening was presided over by the Queen who made her traditional speech outlining the Government's proposed policies and legislation for the coming session.

The speech however, did not include a mention of the Private Members' Bill brought before Parliament by Andrew Dismore MP, looking to restore the law on compensation awarded for pleural plaques sufferers.

It meant that the Bill, which has been tirelessly campaigned for by many asbestos support groups, looks unlikely to become law in this session of Parliament.

This was a significant blow to campaigners across the country facing yet more delays in their fight for justice and compensation.

Dave Anderson, an MP from Blaydon, has stated that MP's are now looking at ways in which they can get the Bill back into the political agenda.

He said: "We knew that plaques wouldn't be in the Queen's speech. We are working together to find a mechanism to get this through."

Background to the Law

A change in the law in January 2006 meant thousands of victims of the deadly substance asbestos could no longer claim compensation for their illnesses.

The case of *Rothwell v Chemical & Insulating Co. Ltd* and others came before the Court of Appeal in January 2006 where it was decided that a person who developed pleural plaques, a form of asbestos disease, as a result of negligent exposure to asbestos whilst in the course of his employment could not sue his employers and thus could not be compensated.

The House of Lords heard the case in October 2007 and unanimously upheld the decision of the Court of Appeal that compensation would not be payable.

As a result, thousands of claims could no longer be brought by victims who had been diagnosed with pleural plaques.

The decision was made on the basis that pleural plaques, a scarring of the pleural membrane, is almost always symptomless and do not cause the onset of other asbestos related diseases. The Judges stated that plaques were not an actionable injury.

Labour MP Mr Andrew Dismore introduced new draft legislation to Parliament in the form of a Private Members' Bill to rectify this decision as many sufferers were caused anxiety and stress over fears of their illness progressing into something more serious.

Pleural plaques are a tell tale sign of asbestos exposure and subsequent, more serious illnesses can occur as a result of such exposure.

The Bill essentially seeks to put the law back to the position it was before the case of Rothwell.

The provisions would not affect the legislation determining liability for personal injury.

Scotland has already acted to reverse the decision and introduced legislation The Damages (Asbestos Related Conditions) Scotland Act 2009. The legislation received its Royal Assent in April 2009.

There was anticipation from asbestos campaigners that England would soon follow suit.

The Bill now awaits its second reading in the House of Lords. The date for this is yet to be decided.

To view the bill [click here](#).

For more information on plaques, please [click here](#).

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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.