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Press Release .....No Embargo

JUSTICE COMMITTEE SAYS GOVERNMENT MUST CONSULT AGAIN ON  
MESOTHELIOMA CLAIMS FOLLOWING “MALADROIT REVIEW”

In a report published today, the Justice Select Committee heavily criticises Government plans to reform mesothelioma legal claims. The proposed measures would have imposed legal costs on mesothelioma sufferers seeking justice through the courts. Asbestos Support Groups have welcomed the report and backed its call for the Government to halt the changes until a proper review has been conducted.

These measures were originally part of the Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO). Sections 44 and 46 of the Act impose legal costs on people taking personal injury cases. Parliament was concerned about the adverse effects this could have on mesothelioma sufferers making claims and decided to exempt them until a review had taken place. The Government did this in 2013 but the Committee today described their review as “maladroit and “unsatisfactory” and called on the Government to start again.

The Committee says the Government rushed through the review prematurely because it *“was not reconciled to the concession it was forced to make in Parliament during the passage of the LASPO legislation to exempt mesothelioma sufferers from its provisions .....*”

The Justice Committee criticises the Government for not providing a cost benefit analysis to claimants during the consultation and for “shoe-horning” the s48 review into a wider consultation which was a “maladroit” way of proceeding. The Committee criticises Government for concluding a one-sided heads of agreement with the association of British Insurers (ABI) which they kept from claimants and appeared *“to have had no intention of supplying us with this document as part of our enquiry.”*

Doug Jewell, Forum vice-chair, who gave evidence to the Justice Select Committee, says: *“We welcome the Justice Committee report which calls for a proper review as required by S48 LASPO. We said all along that the Government review is a sham and is not the review that Parliament, or claimants, expected. The Government must now respect the wishes of Parliament and satisfy the expectations of mesothelioma sufferers and their families that a fair review will be conducted.”*

The Justice Committee report is published a day after the conclusion of The Forum Judicial Review of the Government’s decision to end the mesothelioma exemption. Doug Jewell commenting on the judicial review says: *“The Justice Committee report vindicates our decision to judicially review the Government’s flawed consultation which purported to be the S48 review. Judgment has been reserved and*

*we hope that the court will recognise the unfairness of the consultation process which stood in for the S48 review.”*

*(For further information contact Tony Whitston 07748189837 or Doug Jewell 07919430059)*  
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Notes for Editors

Mesothelioma is a fatal cancer principally of the lung pleura. The only known cause of mesothelioma is exposure to asbestos. Average life expectancy from diagnosis is 9 months

The Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO) came into effect on 1 April 2013.

On the House of Lords insistence the Government introduced S48 LASPO which prevents LASPO section 44 (payment of success fees) and section 46 (after the event insurance) from coming into effect for mesothelioma claims until a review has been conducted into the likely effects of s 44 and 46 on mesothelioma claims and a report of that review is published.

The review was incorporated into a consultation on reforms to mesothelioma claims 25 July 2013 ending October 2013. The reforms, including a mesothelioma pre-action protocol, formed part of a secret agreement with the Government.

The secret agreement can be found on the Justice Committee website:

[http://www.parliament.uk/documents/commons-committees/Justice/Letter\\_from\\_James\\_Dalton\\_\(ABI\)\\_mesothelioma%20claims%20process.pdf](http://www.parliament.uk/documents/commons-committees/Justice/Letter_from_James_Dalton_(ABI)_mesothelioma%20claims%20process.pdf)

On the 4 December 2014 the Justice Minister Shailesh Vara confirmed that the Government had decided to end the mesothelioma exemption.

The Justice Committee Report can be found at:

<http://www.publications.parliament.uk/pa/cm201415/cmselect/cmjust/308/30802.htm>