

Asbestos Victims Support Groups' Forum UK

Tony Whitston (Chair)

Joanne Carlin (Secretary)

Windrush Millennium Centre, 70 Alexandra Rd. Manchester M16 7WD

Tel: 0161 636 7555 / 07748189837

E Mail: asbestos.gmavsg@virgin.net

The Forum letter to MPs who expressed concern about the effect of certain provisions within the Legal Aid, Sentencing and Punishment of Offenders Bill

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Dear Member of Parliament,

I am writing to you on behalf of the Asbestos Victims Support Groups Forum to thank you for the concern you showed for vulnerable people, similar to those we support, during the second reading of the Legal Aid, Sentencing and Prosecution of Offenders Bill.

Members of the Forum are charities who provide support to asbestos victims and their families, many of whom will be badly affected by provisions contained (almost hidden) within Part 2: Litigation funding and costs, which make personal injury claimants responsible for much of their legal costs.

The worst affected will be mesothelioma sufferers who have lost their health and soon will lose their lives as a result of the risk of exposure to asbestos they were obliged to take in their workplaces when employers, government and the factory inspectorate of the day knew of the dangers. In many cases they are too ill, tired and defeated by their disease to sue for compensation. Those who do, do so because they do not have to take any financial risk and face more uncertainty in their lives. Once those certainties are gone many will never seek the compensation they are justly entitled to.

Those who suffer from asbestosis have often been exposed to asbestos in several workplaces. They must not only provide evidence of heavy exposure dating decades ago, but they must forgo a portion of compensation where insurers cannot be traced. Responsibility for legal costs will wipe out compensation for many asbestosis sufferers. As the guarantees of the CFA regime are dismantled, lawyers will become even more risk averse, avoiding difficult cases, reducing access to justice yet further.

The powerful insurance lobby exploits fears of a compensation culture and the cost of litigation, ignoring the falling personal injury claims and the steps that have already been taken in fixing costs, and proposed changes which could reduce costs further without placing the burden on innocent asbestos victims.

Our hope is that your concern about many important aspects of this Bill, such as Legal Aid, will extend to those whose access to Legal Aid was withdrawn in favour of a CFA regime which is to be changed for the benefit of insurance companies and to the detriment of innocent asbestos victims. We would be very happy to explain in more detail why we think the provisions in this Bill making asbestos victims share the risk of litigation are wrong. We think they have risked enough already.

Yours sincerely

Tony Whitston