
Asbestos Victims Support Groups Forum - UK

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Press Release.....No Embargo

Asbestos victims attack Government legal reforms

Over 400 families affected by the fatal asbestos-related cancer mesothelioma have written to the Forum to condemn the planned reforms to the way that compensation claims for industrial diseases are funded.

Frederick Cameron, 72, who suffers from mesothelioma and may have only months to live, warns that if the justice secretary Ken Clarke removes the principle of 'polluter pays', and makes asbestos victims pay legal costs, many will never make a claim.

The Legal Aid, Sentencing and Punishment of Offenders Bill, currently before Parliament, will mean that asbestos victims:

- will have to pay up to 25% of their compensation for pain and suffering to fund their solicitors' success fees;
- will have to fund insurance to run their case;
- will risk their savings in order to make a claim.

He said: "Having been told that you are going to die is unbelievably hard. I am not an old man. Deciding to bring a claim was tough. I have worked all my life and never made a claim, you feel disloyal in a way but I don't see why my employers should get away with giving me a death sentence. I am a pensioner and don't have money for medical reports and insurance. Fortunately for me all these costs were paid by the guilty party. I fear for others who are in the same position as me and who will not risk taking a claim because they will have to face these costs."

Tony Whitston, Forum Chair says: "Innocent asbestos victims are being punished for the government's failure to enforce the law banning illegal texts and cold-calling to solicit injury claims, perpetuating the myth that all claimants are cashing in on a so-called compensation culture. It's time the Government addressed the real problems and stopped scape-goating dying asbestos victims and blaming them for the costs of the litigation system."

End

Notes for Editors

Mesothelioma is a fatal cancer. The only known cause is exposure to asbestos. Life expectancy is 9 to 12 months from diagnosis.

Legal aid was abolished for personal injury cases in 2000. Conditional Fee Agreements (CFA), in place since 1995, were costly to claimants who had to pay their lawyers' success fees and after the event insurance (ATE insurance). To improve access to justice when legal aid was abolished, the CFA rules were changed so that the losing party paid these costs so that the injured party did not have to pay them out of their compensation.

The Legal Aid, Sentencing and Prosecution of Offenders Bill makes claimants responsible for success fees which are to be capped at 25% of damages for pain and suffering and for the cost of ATE insurance. Without the alternative of legal aid, claimants are returned to a worse position than that which obtained prior to 2000.

Some of the 400 comments from mesothelioma sufferers and their families make it clear that many mesothelioma sufferers, defeated by illness, will never make a claim because of the additional stress and the financial risk they will face. Comments can be accessed at www.asbestosforum.org.uk