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## Asbestos Victims Support Groups Forum UK

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### Victims' Dismay at Pleural Plaques Delay

#### Government Delays Pleural Plaques Decision Again

The Justice Minister, Jack Straw, who was expected to give the government's decision on compensation for pleural plaques yesterday told the House of Commons, after months of prevarication, he is still not in a position to say whether pleural plaques sufferers will receive any compensation, as the government wishes to 'give further consideration to the issue of compensation'.

The Forum, which represents asbestos victims throughout the UK, says: *"This further delay, which will cause dismay and distress to asbestos victims, can only be justified if it leads to a return to compensation for pleural plaques sufferers. The government still has an opportunity to agree a just settlement. To do otherwise after hopes have been raised and then dashed so many times would be intolerable."*

John Allen, diagnosed with pleural plaques, sums up the dismay felt by many sufferers: *"My friend is dying from mesothelioma and my past work colleagues have suffered from asbestos disease. The asbestos fibres lodged in my lungs, causing pleural plaques, signal a heightened risk that I too may suffer serious consequences. I have to accept that and live with that every day. This must be the last delay in providing proper compensation to asbestos victims."*

#### Government Signals Help for Asbestos Victims

Jack Straw's signalled that it is prepared to do more for sick and dying asbestos victims in respect of asbestos-related disease research and untraced insurance policies.

The Forum wholeheartedly welcomes the statement that government is actively considering measures to establish the UK as a leader of asbestos-related disease research and we hope the outcome will be government support for sustained research funding, especially for mesothelioma research.

The Forum also welcomes the commitment to examine the failure to trace insurance records, which is the main reason why asbestos victims fail to get compensation. But we believe that simply tinkering with the failed insurance tracing system will achieve nothing. The insurance industry must take responsibility for the insurance it wrote and for which it has sole responsibility.

Tony Whitston, Forum Chair, says:

*“If the government is serious about helping asbestos victims who are sick and dying they must address the problem of untraceable insurance by setting up an insurance fund of last resort, similar to that provided by the Motor Insurance Bureau, which provides cover where insurers cannot be found. Why should asbestos victims bear the sole burden for the institutional failure to keep a data base of employers’ insurers? Why should insurers escape liability for insurance they wrote and why should asbestos victims be treated less favourably than motor accident victims?”*

The Forum is calling on the Government to honour its commitment to those asbestos victims who are sick and dying.

For further information contact Tony Whitston Tel: 0161 636 7555 and 07748189387

#### Notes for Editors

Pleural plaques are discrete scarring of the lung pleura which are markers of high levels of exposure to asbestos. The high levels of asbestos in the lungs increase the risk of serious asbestos disease in the future.

For over 20 years compensation was awarded for the anxiety caused by the knowledge of an elevated risk of serious asbestos disease resulting from the high levels of asbestos in the lungs indicated by the presence of pleural plaques.

Time Line:

**1984** and onwards courts awarded compensation for pleural plaques

**2004** Insurance test case heard in the High Court before Justice Holland. Judgment February 2005 retained the right to compensation but reduced payments: Provisional damages (entitlement to sue if other asbestos disease develops) £5,000 and Final damages (ends any further asbestos litigation) £7,000.

**2006** 26 January Court of Appeal overturns High Court decision.

**2007** 17th October House of Lords (HoL) uphold Court of Appeal decision to end compensation for pleural plaques.

**2008** July government opens consultation on three options: (i) overturn Law Lords' decision (ii) no-fault scheme payment within a fixed period prior to HoL decision (iii) no-fault scheme payment without time restriction. Consultation ended October 2008.

**2009** To date, there have been four announcements that the government will give its response to the pleural plaques consultation.

#### Tracing Insurance Policies

The latest published results of the Code of Practice for Tracing Employer's Liability Insurance show an overall 35% success rate for enquiries and the same success rate, 35%, for mesothelioma insurance enquiries. The Code has been in operation for 10 years. The latest report showed a 41% success rate for post-1999 enquiries which was reported as very disappointing.