

# Victims dying of asbestos cancer 'face cut in damages'

Frances Gibb Legal Editor

Thousands of people dying of asbestos-related cancer will lose out on compensation under reforms hijacked by the insurance industry, charities claim.

The charities, which work with sufferers of mesothelioma, say that the government reforms, aimed at speeding up the compensation claims process, will be hit by punitive legal costs.

The proposals will lead to the creation of a special out-of-court scheme to settle compensation for those with the disease, which develops decades after exposure to asbestos. The aim is to speed up the claims process, enabling quicker settlements with the insurers of the employers responsible for exposing workers to the asbestos.

However, charities maintain that the proposals, which are backed by the insurance industry, will have the effect of making claims more expensive to bring and cut the compensation that sufferers — who have a life expectancy of seven to nine months at the point of diagnosis — are likely to receive.

Tony Whitston, of the Asbestos Victims Support Groups Forum, said: "Mesothelioma is a fatal tumour caused by exposure to asbestos, causing very distressing symptoms with a very poor prognosis. Inevitably, claims

for compensation, and even for benefits, increase the stress experienced by patients and their families."

Four asbestos victims' charities will put their concerns today at a meeting with the Ministry of Justice.

The proposed reforms incorporate proposals drawn up by the Association of British Insurers (ABI) and, the charities argue, put mesothelioma victims at "great disadvantage". Mr Whitston said: "We are furious that the ABI agenda for reform has been adopted wholesale and is being construed as the basis for imposing legal costs on dying mesothelioma sufferers.

"Claims will be slower, the threat of court action, which is the only driver for defendants to admit liability, will be removed, and costs will be fixed in cases that are not straightforward, taking away any incentive for insurers to admit liability."

The charities are urging ministers to abandon the proposals and instead arrange for both sides jointly to develop plans for reform.

Each year about 2,300 new sufferers of mesothelioma are diagnosed.

Helen Grant, the Courts Minister, said: "The improved out-of-court process will help to ensure [sufferers and their families] can access any compensation they are due as quickly as possible."



## 'It's penny-pinching and wrong'

Case study Frances Gibb

**P**aul Carey, 58, worked all his life in the building trade, starting out as an apprentice at 16. For his first four years he constantly handled asbestos sheets.

"We used asbestos for everything: boxing in plumbing, electric wires, gas pipes, because it was waterproof," he said.

Then without warning, in June this year, an X-ray found

the lining of his lung full of liquid and mesothelioma was diagnosed.

Now he has to be visited every two days by a nurse at his home in Preston where, since his wife died three years ago, he has legal sole charge of his two grandchildren, Paula, 9, and Ben, 8, pictured above.

"The money I will receive will provide for their future when the inevitable

happens," he said. "Meanwhile, I am going to give them the best Christmas ever."

He is likely to receive a lump sum from his former employers' insurers of £100,000. Mr Carey will not be affected by the present reforms. However, he is angry that others like him will be. "It's penny-pinching. Taking money off people with terminal cancer. It's wrong."