

High Court to hear the Asbestos Victims Support Groups' Forum UK (the Forum) challenge to the Lord Chancellor's Review of Part 2 of the Legal Aid, Sentencing & Punishment of Offenders Act 2012 (LASPO)

The Forum's case is that the post-implementation review published on 7th February 2019 has not discharged the Lord Chancellor's obligation to carry out a thorough and detailed impact assessment of the LASPO reforms with regard to asbestos related disease sufferers. The LASPO reforms adversely impact this cohort of claims in ways which are significantly worse than in more standard Personal Injury claims for reasons identified by the Forum, but also APIL, and the Law Society, with the result that Claimants receive substantially less than full compensation in respect of their injuries, and are deterred from accessing justice.

The Forum is a charity which seeks to protect the health of sufferers of asbestos related illnesses. It has in the past successfully brought and won challenges brought by Judicial Reviews against previous Lord Chancellors namely Chris Grayling and Michael Gove.

The Forum's legal case is that:

- a. The superficial nature of the Lord Chancellor's review frustrated a substantive legitimate expectation, in that it did not adequately examine the impact of the LASPO reforms on claims arising from asbestos-related lung cancer, asbestosis and non-malignant pleural thickening; and
- b. Even if the Lord Chancellor is held to have engaged with and/or consulted relevant stakeholders on asbestos-related diseases (which the Forum contends it failed to do adequately), he has failed conscientiously to take into account the product of such engagement or consultation, which raised significant concerns about the serious adverse impact of the LASPO reforms on the ability of claimants in asbestos-related claims to have access to justice or achieve full compensation.

The Judicial Review is due to be heard in the Royal Courts of Justice, Strand London on 8th and 9th July 2020.

Lawyers acting for the Forum are Harminder Bains and Jamie Beagent, Partners at Leigh Day with Jeremy Hyam QC and Alasdair Henderson of One Crown Office Row.

www.asbestosforum.org.uk