

PLAQUES COMPENSATION DECISION MUST BE OVERTURNED, SAY LAWYERS

Lawyers have today called on the Government to overturn the House of Lords decision not to compensate victims of the asbestos-related condition, pleural plaques.

Following the Lords' shock decision last year, the Government published a consultation paper in response to mounting pressure to either overturn the decision or provide an alternative solution for those diagnosed with the condition.

Martin Bare, immediate past president of the Association of Personal Injury Lawyers (APIL) said the fact that the Scottish Parliament had already proposed legislation to overturn the decision would make it "inherently unfair" if Westminster did not follow the same path for victims in England and Wales.

"It is the House of Lords role to determine what the law is, but it is the Government's job to decide what the law should be," he said. "For the sake of those negligently exposed to asbestos, the Government should follow the Scottish Parliament's lead and legislate to overturn the Lords' decision.

"It's all very well when victims are told the condition is harmless, but the fact that they have been negligently exposed to asbestos in the first place means they are playing a waiting game, wondering if they may be facing a death sentence," said Bare.

Commenting on the Government's suggestion to introduce a compensation scheme, Bare warned that victims could be seriously disadvantaged.

"The Government has outlined two schemes in its consultation, both of which pose potential problems for victims," said Bare. "We feel very strongly that any scheme should not prevent victims from claiming compensation at a later date should their condition worsen.



There should also be no time limit on when victims can make a claim, and any compensation awarded should be in line with what victims were awarded prior to the Lords' decision," he said.

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Note to editors:

- The Ministry of Justice consultation on pleural plaques closes on 1 October, 2008.
- APIL (Association of Personal Injury Lawyers) is a not-for-profit organisation, whose members are dedicated to campaigning for improvements in the law to help people who are injured or become ill through no fault of their own
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