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Barker v Corus UK plc and others: Statement from the Association of Personal Injury Lawyers (APIL)

Thousands of victims of asbestos-related disease have been deserted by the law, after today's House of Lords decisions.

Speaking on behalf of the Association of Personal Injury Lawyers (APIL) president Richard Langton said he was appalled by the decision, which will mean victims, usually the widows of men who have died of mesothelioma, will receive only a fraction of the compensation to which they are entitled.

"Four years ago, in the case of Fairchild v Glenhaven Funeral Services Ltd, the insurers conceded that where several employers could be held responsible for exposing an employee to asbestos, the claimant had the right to pursue full compensation from whichever employer was able to pay," said Langton.

"It is notoriously difficult to trace employers who have exposed people to asbestos and bring them to account, because many of them go out of business in the years before any disease finally becomes apparent. The Fairchild decision ensured that people who had been fatally injured through no fault of their own would, at least, receive the full compensation to which they were entitled from at least one of the employees who had exposed them to asbestos in the first place," he went on.

"After today though, each past employer will be responsible for paying only a portion of the compensation. In reality, this means a victim who can only trace one out of three of his past employers, will only be able to claim a fraction of his compensation."

Langton said the ruling is an insult to thousands of claimants and their families, and is yet another example of insurers fighting tooth and nail to save cash.

“These men should never have been exposed to asbestos in the first place,” he said. “To take away their right to full and just compensation is like saying they contracted the disease through nothing more than bad luck.”

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