



JSP has a dedicated Industrial Disease Unit specialising in all asbestos related diseases. At JSP we are committed to supporting sufferers of pleural plaques in your fight for the compensation that in our view is rightly yours. JSP has therefore set up an important register for you and other sufferers of pleural plaques to register your details so that, if the Government changes the law to allow all sufferers of pleural plaques to receive compensation, we can urgently inform you of the change and of your right to claim compensation if you so wish.

This service will be entirely free of charge.

If you would like to register to protect your interests or discuss your case please call **Nigel Askew** now on **01754 762252** or visit us at www.jspsolicitors.co.uk to register online, or by email at nca@jspsolicitors.co.uk or by text on **07738 918578**

PLEURAL PLAQUES LEGAL UPDATE

Prior to 26 January 2006 - there had existed for 20 years the established legal right to compensation for pleural plaques.

26 January 2006 - the Court of Appeal, in the case of *Rothwell*, handed down a judgment which removed the legal right to compensation for pleural plaques.

17 October 2007 - the House of Lords handed down its judgment in the *Rothwell* appeal case agreeing with the Court of Appeal's decision that there is no legal right to compensation for pleural plaques unless they are causing symptoms in which case there is a right to compensation.

Present day - unfortunately the law remains as set down in the House of Lords judgment.

However

29 November 2007 - concerned about the effects the House of Lords judgment would have on sufferers of pleural plaques, the Scottish Government announced plans to introduce legislation to reverse the House of Lords judgment in Scotland.

Will England & Wales follow Scotland's lead? Possibly!

12 November 2007 - Michael Clapham MP submitted an Early Day Motion in Parliament “That this House believes that pleural plaques caused by exposure to asbestos result in physiological damage which constitutes a loss of faculty meriting compensation.”

10 December 2007 - Michael Clapham MP submitted a further Early Day Motion in Parliament “That this House considers that pleural plaques caused by the negligent exposure to asbestos make obvious that the body of a sufferer has been polluted by asbestos particles; believes that the polluter should pay compensation to those negligently contaminated by the fatal fibre”.

21 February 2008 - Michael Clapham MP submitted a further Early Day Motion in Parliament “That this House supports.....protesting about the decision of the Law Lords made on 17th October 2007 that `pleural plaques' are not a compensatable medical condition; notes that prior to this judgement compensation had been paid for the last 20 years....and calls on the Government to bring forward legislative proposals to allow compensation for pleural plaques, recognising the condition as a permanent and irreversible structural change to the lining of the lung caused by negligent exposure to asbestos.”

29 January 2008 - Kevan Jones MP submitted an Early Day Motion in Parliament “That this House recognises the anguish that has been caused by the failure of the House of Lords to overturn the Court of Appeal decision that prevents sufferers of pleural plaques from claiming compensation on the grounds of negligence”.

29 January 2008 - Jim Sheridan MP submitted an Early Day Motion in Parliament “That this House calls on the Government to explore every avenue possible to reverse the recent decision of the Law Lords which has denied compensation to the victims of asbestosis pleural plaques.”

22 May 2008 -Gordon Brown when asked during Prime Minister’s Questions about compensation for sufferers of pleural plaques, said the government would consult on the issue in the next few weeks and that "we are determined to do what we can to help them."

4 June 2008 - The issue was debated for the second time by MPs in the House of Commons and was concluded by the Parliamentary Under-Secretary of State for Justice (Bridget Prentice) stating “The intention is that the consultation will run for 12 weeks, so that everyone with an interest can respond fully. We aim to publish our response before the Queen’s Speech in November.”

Are there any recent examples of Government reversing Court decisions?

Yes! There is one very good recent example which involved another asbestos related illness case (Barker v Saint Gobain Pipelines) in which a House of Lords decision dated

May 2006 made it extremely difficult for mesothelioma sufferers to receive full compensation in cases where there was more than one Defendant. This widely criticised state of affairs was promptly reversed by the Government by its Compensation Act 2006 which came into force on 26 July 2006 and thereby ensured it was much easier for sufferers to recover 100% of their compensation!