The big picture

Alistair Kinley
*Head of policy development, BLM National*
Overall CRU statistics
Key stats – mesothelioma & deafness

A peak of around 2,040 (male) deaths in the year 2016, with a rapid decline following the peak year. Around 91,000 deaths are predicted to occur by 2050 with around 61,000 of these occurring from 2007 onwards. [HSE RR728 August 2009]
Key stats – mesothelioma & deafness

Hearing Loss (RNID)

- none
- profound
- severe
- moderate
- mild

over 50s
over 70s

0%
20%
40%
60%
80%
100%
Three areas to discuss

- The politics of pleural plaques
- Report on the Jackson review
- Emerging reforms
  - Civil Law Reform Bill
  - Collective claims
The politics of plaques: cast list
Gordon Brown promised action to help asbestos victims and Business Secretary Lord Peter Mandelson ratted on the pledge.
The politics of plaques: bit players?

- Damages (Asbestos-Related Conditions) Bill 2008/9
- Report - 16 October 2009
Jackson review

- ‘Review of Civil Litigation Costs’
- Dates & milestones
- 4 key points
  - increase in small claims track?
  - software for general damages?
  - one way costs shifting
  - predictable EL & PL & housing costs?
‘If I recommend a **fixed costs regime for all fast track cases** in my final report, I shall:

a) set out specific recommended figures for road traffic accident cases (personal injury and non-personal injury), **employers’ liability cases**, **public liability cases**, **housing cases** and

b) set out a timetable and procedure for finalising figures for other categories of case’.
Emerging reforms: Civil Law Reform Bill

The exact content of the Bill is still to be settled but the Bill is likely to include proposals in the following areas:

- Reform of the law relating to damages – in particular in relation to dependency claims and bereavement damages
- Reform of the Limitation Act 1980
- Reform of the law in relation to pre-judgment interest
Emerging reforms: collective claims

- Aggregate, multi-party group or class actions (opt out basis?)
- Influential proponents – Civil Justice Council & European Commission
- Some central Government scepticism
- Remember the mining litigation
Conclusions?

‘No action lies for a wrong which has not resulted in some element of loss, injury or damage of a kind that was reasonably foreseeable’.

- Asbestos to remain political despite election 2010?
- Will costs, process & limitation reforms assist?
- What of the trend to process-driven handling?