



## Legal aid Bill blow to asbestos victims

Sir, There have rightly been many reports on the damaging effects of the Legal Aid, Sentencing and Prosecution of Offenders Bill on legal aid. But nothing has been reported on the grossly unjust effect of Part 2 of the Bill on victims of asbestos dying from the cancer mesothelioma.

Provisions in the Bill require terminally ill asbestos victims who succeed in a claim for compensation against negligent, guilty employers to pay 25 per cent of their damages for pain and suffering in legal costs associated with the conditional fee agreement system (CFA). The Government's argument that this will deter frivolous and fraudulent claims is, frankly, risible as far as dying asbestos victims are concerned. The Government has identified increasing road traffic accident claims and alleged whiplash claims as the real problem (in total, whiplash claims add up to a staggering £2 billion annually), especially as road traffic claims amount to more than 70 per cent of all personal injury claims.

The Government's additional argument that making mesothelioma sufferers pay legal costs will drive costs down as they shop around for the best "deal" is untenable as many sufferers are so defeated by their illness they never make a claim as things stand now.

Legal aid provided public money for test cases and difficult and meritorious cases to be run, until the present CFA system required losing, guilty defendants to pay. It is now proposed that one claimant must pay for another claimant's chance to gain access to justice. Important test cases which have determined the right of mesothelioma sufferers to claim would never have been run under the new prescription.

Asbestos victims should not, and financially cannot, subsidise other claimants' access to justice, nor can they afford to defend test cases run by rich insurers. Eighteen peers have signed a letter calling on colleagues to support all-party amendments at the Report Stage in the Lords to protect asbestos victims from a gross injustice.

PROFESSOR LORD ALTON OF LIVERPOOL; LORD AVEBURY; LORD BEECHAM; BARONESS BUTLER-SLOSS; BARONESS FINLAY OF LLANDAFF; LORD MCFALL OF ALCLUITH  
House of Lords