



What you need to know

+ History

On 17 October 2007 the Law Lords upheld a Court of Appeal decision that the existence of pleural plaques does not constitute actionable or compensatable damage. Prior to that, people had been able to bring claims for compensation for pleural plaques since the 1980s. The courts had previously regarded the existence of plaques themselves as damage and compensation had routinely been paid.

In light of representations made by individuals and organisations who strongly disagreed with the Law Lords' decision, and in recognition of the concerns that existed, the government published a consultation paper on the issue which sought views on a number of options in response to the ruling, including whether to overturn the House of Lords' judgment and legislate so that pleural plaques would again be compensatable under civil law.

In total the government received 224 responses to its consultation paper. In addition, reports were received from the Chief Medical Officer for England and Wales and the Industrial Injuries Advisory Council reviewing the medical evidence on pleural plaques. This means that it is no longer possible to bring about a civil claim for pleural plaques.

Information from the Ministry of Justice
<http://www.justice.gov.uk>

+ Current legal position

In February 2010 the government decided that on the basis of medical evidence received during the course of this review, they did not consider it appropriate that the Law Lords decision should be overturned. However, if new medical or other significant evidence were to emerge, the government would obviously reassess the situation.

+ What is Pleural Plaques?

The presence of pleural plaques is an indicator that a person has been exposed to asbestos. Plaques are small, localised areas of fibrosis caused by exposure to asbestos fibres, found within the pleura of the lung.

However, while the exposure to asbestos has resulted in an anatomical change, in the great majority of cases pleural plaques do not in themselves produce any significant physiological change or loss of lung function, and only very rarely give rise to physical symptoms.

There is no available medical evidence to show that pleural plaques become malignant or lead to mesothelioma or other asbestos-related diseases.

Current evidence indicates that it is a person's exposure to asbestos that produces any increased risk of developing a serious asbestos-related disease rather than the pleural plaques themselves.

+ What should you do if you feel your condition has worsened?

We would encourage you to be vigilant in terms of monitoring your health and would urge you to consult your GP if you suspect your condition has worsened.

The National Asbestos Helpline will happily reassess your case and provide direct support and advice if your condition has changed.

+ How can we help you?

At the National Asbestos Helpline we have established a national register for pleural plaques sufferers across the country.

The Pleural Plaques National Register register enables us to update people like yourself with relevant, up-to-date news and also to provide you with exclusive access to a range of support services offered by our charitable partners.

When you join the register we will establish your diagnosed condition, your employment history and your exposure to asbestos. With this information we will be able to act swiftly should your condition worsen or change.



+ To join the register please visit our website and leave your details.

www.pleuralplaques.co.uk

Alternatively call us on freephone

0800 043 6635

The information above is a summary of our general view of the law in this area as at the date of publication. It is not a substitute for obtaining legal advice based on your own circumstances, which you should seek if you are affected by any of the issues raised. We cannot accept liability for any losses suffered in reliance upon this information.

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