

Response to Proposed Bill to reverse House of Lords Judgement in
Johnston v NEI International Combustion Ltd

Clydeside Action on Asbestos [CAA] welcomes the opportunity to participate in the consultation process for the proposed bill which will reverse the House of Lords decision in Johnston v NEI International Combustion Ltd. Our response to the bill is limited to an extent given that the charity supports the bill in its entirety. It is essential that the bill provides access to compensation for those diagnosed with pleural plaques, and further for those diagnosed with other asbestos related conditions such as pleural thickening and asbestosis that appear asymptomatic at the point of diagnosis.

The charity strongly believes that those who have been negligently exposed to asbestos should continue to have the right to seek justice through the pursuit of compensation.

The psychological effect of a diagnosis of any asbestos related condition must not be underestimated. Those diagnosed with pleural plaques for example are aware that there are radiological changes in the appearance of x rays and CT scan, and that these changes are permanent. The anxiety that this can cause is compounded by the knowledge that they may develop a more serious condition, and is frequently associated with the loss of friends or family through asbestos related disease.

Since the Court of Appeal decision was issued, cases of pleural plaques in Scotland have been held in abeyance, adding to their uncertainty and distress. The proposed bill will protect the right of those affected and end their uncertainty, and is therefore welcomed by CAA.

CAA would like to take the opportunity to thank Mr Kenny McAskill and the Scottish executive, and all MSP's who pledged their support, for the time and consideration that they gave to this issue.

