

The Asbestosis Fund

Report for the year to
30th September 1964

As the Committee will be aware, the financial liability of the Fund is now limited to meeting the cost of weekly payments of compensation to the remaining pre-Act cases and to providing for such terminal lump sum payments as may occur on the death of the claimants. At the Board Meeting held on 21st February 1952 (Minute No.9731) it was agreed that the Unit Companies themselves should bear the cost of Common Law claims so as to enable the Asbestosis Fund to be wound up as soon as the outstanding claims had been finally disposed of.

The balance of the Fund at 30th September 1964, after deducting the £27,200 which it was decided in 1961 to transfer to Revenue, is now £13,371, this amount being available to meet terminal payments to the dependants of the remaining 17 cases of the Unit Companies shown below:-

	<u>No. of Current Claims</u>
T.S.A.Co.Ltd.	8
J.W.R.Ltd.	5
N.I.A.C.Co.Ltd.	1
T.A.C.Co.Ltd.	3
	<u>17</u>

It would be sufficient to retain in the Fund some £25,000 against the above claims, and the views of the Committee will be sought on whether a further £10,000 might not conveniently be transferred to Revenue.

Asbestosis Claims

In my report last year I referred to six claims brought against N.I.Co.Ltd., four in Belfast and two in Glasgow. I am glad to say that three of the Belfast cases have been settled, although one more has come into the list, and one of the Glasgow cases has been settled.

On the other side of the picture the year has been marked by two rather sinister developments. The first is that it has now become widely known that the medical profession have established a causal connection between asbestosis and carcinoma of the lung. This is a factor which inevitably makes settlements both more difficult and more expensive especially where, as in Belfast, cases normally come before a jury.

The second development is the establishment of and the wide publicity given to the fact that a type of carcinoma known as a mesothelioma, is due to exposure to the dust of asbestos fibres.

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Turner & Newall Limited
Chairman's Committee Meeting
22nd December 1964

The Asbestosis Fund

Report for the year to
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The balance of the Fund at 30th September 1964, after deducting the £27,200 which it was decided in 1961 to transfer to Revenue, is now £18,571, this amount being available to meet terminal payments to the dependants of the remaining 17 cases of the Unit Companies shown below:-

	No. of Current Claims
T.B.A.Co.Ltd.	8
J.W.R.Ltd.	5
N.I.& C.Co.Ltd.	1
T.A.C.Co.Ltd.	1
	15

It would be sufficient to retain in the Fund some £8,000 against the above claims, and the views of the Committee will be sought on whether a further £10,000 might not conveniently be transferred to Revenue.

Asbestosis Claims

In my report last year I referred to six claims brought against N.I.Co.Ltd., four in Belfast and two in Glasgow. I am glad to say that three of the Belfast cases have been settled, although one more has come into the list, and one of the Glasgow cases has been settled.

On the other side of the picture the year has been marked by two rather sinister developments. The first is that it has now become widely known that the medical profession have established a causal connection between asbestosis and carcinoma of the lung. This is a factor which inevitably makes settlements both more difficult and more expensive especially where, as in Belfast, cases normally come before a jury.

The second development is the establishment of and the wide publicity given to the fact that a type of carcinoma, known as a mesothelioma, is due to exposure to the dust of crocidolite fibres.

Already we have had enquiries in one case about the use of blue fibre at Ferodo. It is said that blue fibre was used experimentally in the thirties, but at the moment there appears to be no evidence that the man concerned was ever involved. This, however, may become a claim.

The present position as regards claims is as follows:-

N.I.Co.Ltd.

Belfast

Hugh Logan. This claim was by a widow and was settled for a figure of £1,500 which included a net loss of wages of £900. Here the possibility of a technical defence under the Limitation Acts helped to keep the figure down.

George Lowry. This man was incapacitated by asbestosis at the age of 57 and his case was settled for £3,250 which included a net loss of wages to date of £1,350 and continuing on a basis of £12. 4. 7. a week.

William Bullock. This man was also completely incapacitated but at the age of 48. This case was settled for £3,500 which, in the circumstances, compares very favourably with the case of George Lowry.

W. J. Locke. This man originally worked for Reid Macfarlane and after a gap of several years joined Newalls in 1939 working for them almost continually until 1955. He has been certified by the Pneumoconiosis panel but has not actually made a claim. In the current climate in Belfast it is thought almost inevitable that he will and that it will have to be settled on the same sort of basis as Lowry and Bullock.

Glasgow

David Todd. This case is almost exactly parallel with those of Bullock and Lowry and as in those two cases Todd too was represented by the Transport & General Workers Union. He was a long-term employee of Newalls and his record of service was very typical of an employee in the insulation industry. There must have been some lack of liaison in the T. & G.W.U. because this case was settled for £1,000 a few weeks before Bullock and Lowry's cases were set down for hearing in Belfast.

Thomas Seargent. This is another very typical case of a man who had worked in the industry and entirely for N.I.Co.Ltd. since 1928. The case was dormant at the time of my report last year but proceedings have now been commenced. It is too early to make any prediction about the outcome but at least the most recent precedent in Glasgow is reasonably favourable.

London

Edward Thomas Wood. There have been no developments in this case since my report last year. Wood is represented by a well-known firm of London Solicitors so that one may expect the claim to be pressed. He had only done 4½ years with Newalls and was engaged on general insulation work, but it was known that he came from Cork Insulation and is thought previously to have been employed by Cape.

Washington

Arthur Smith. This is a claim by the widow of a man who had worked for Nowalls with one short break since 1928 on a variety of jobs connected with insulation. The claim has not yet progressed very far but it is specifically for carcinoma of the lung associated with his work.

J.V.R.Ltd.

A. Hermon. This is a claim by a man who worked at Arnley from 1948 to 1956 partly as a mattress maker and partly as a spinner. The claim has not progressed very far but mattress making is known to have been a serious source of danger and the claim may be difficult to resist.

J. S. Hirst. This man was a short-term employee engaged on spray work. The claim is suspect and is being strongly resisted.

A. D. N. JONES.

17th December, 1964.