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Asbestosis men awarded total of £86,469

DAMAGES totalling £86,469 were awarded in the High Court yesterday by Mr. Justice Thesiger to seven men who contracted asbestosis, a lung disease. Judgment was against the Central Asbestos Company, for whom they had worked.

"There is no doubt in my mind that the breaches of statutory duty which are admitted by the company were numerous and persistent," the judge said.

"Moreover the conditions which resulted from these breaches have properly been described as lethal."

It was only some time after a doctor had been able to warn [illegible] of the dangers.

Mr Justice Thesiger said the [illegible] claims for a [illegible] had contracted for work and for some years of life, and badly destroyed it.

Individual sums were awarded as follows: Mr Robert Frederick Smith of Fernhill Road, Bellingham £16,286; Mr Francis John McCourt of Sanderling Road, Southwark, £14,107; Mr Ronald Francis Drake, of Blackwood House, [illegible], Penge, £12,000; Mr Walter David of Vauxhall Estate, Spa Road, Rotherhithe, £14,000; Mr Daniel Derrick Reid, of Prince House, St Pauls Way, Poplar £12,000; Mr Edward Edwin Bower of Ramsden Drive, West Wickham, £12,000; and Mr. James Henderson, of [illegible], Bermondsey, £12,000.

The company admitted that the seven had contracted asbestosis during their employment, but asbestos contributory negligence by the men in not wearing respirators continued it.

The company also denied that four of the men brought their actions too late.

All the men had worked at various times from 1933 at the Abbey Street and Rouney Lane factories in Bermondsey used by the company for making and lagging asbestos.

As long ago as 1931 factory inspectors were drawing attention to excessive asbestos dust in the air.

"Yet there was six years before there was any serious down of processes at these premises," the judge said. Finally, in 1964 the company pleaded guilty to breaches of the Asbestos Industry Regulations 1931.

Last defence

[illegible] evidence during the [illegible] hearing that dust was [illegible] of a vacuum cleaner and men had to walk through the mist to the changing-room for their overalls and respirators.

"Respirators were intended to be the last line of defence in [illegible] cases where there could be some danger of dust escaping the exhaust system even in a well-run factory," the judge went on.

It was unreasonable to expect men never to remove their respirators. Although the men signed a written undertaking to wear respirators he was satisfied that the company [illegible] requirements in the [illegible] mills was in progress.

The company did not make it evident to the men that there was real danger in not wearing respirators when the mill was not running.

Concerning contributory negligence, the judge said: "Certain curious aspects of human nature" had to be taken into consideration.

"One is the many people, despite frequent warnings about [illegible] cancer, nevertheless smoke cigarettes. Another is that many of the younger generation, and by no means the uneducated, smoke pot despite the clearest warnings of the danger."

Nevertheless the "safe, direct and effective" cause of the [illegible] contractors as the men was their [illegible] breach of statutory regulations. Failure to wear respirators continuously did not amount to negligence.

As far as the time claim was concerned, Mr Justice Thesiger said [illegible] whose cases were [illegible] abandoned [illegible] action [illegible].

Some [illegible] were greatly [illegible] and awards for any disabilities [illegible] men on par for which [illegible] the judge said "I think that if they had been more fully aware certain would have found it hard work to stir them up to make a claim against their employers."

The judge explained that Mr. Rose's award was [illegible] different from the others because he was a much younger man with a much longer expectation of life.

The Financial Times.