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Mesothelioma Case Compensation in UK - June Hancock

THE TIMES SATURDAY OCTOBER 28 1995

Women win fight for compensation from asbestos firm

By PAUL WILKINSON

TWO women yesterday became the first to win compensation for the effects of asbestos, even though neither had worked with the material.

Their High Court victory in Leeds against the British-based multinational T&N, whose conduct of its case was severely criticised by the judge, could trigger a wave of claims from victims whose only connection with cancer-causing asbestos was living near a factory producing it.

T&N, which was called Turner & Newall until 1987, has already paid £250 million worldwide to people directly affected by asbestosis and other related diseases.

The test cases were brought by two people who had spent their childhood more than 50 years ago living under the shadow of the T&N subsidiary, JW Roberts and had developed asbestos-provoked cancers in later life. The factory in the Armley district of Leeds made insulating materials for steam engine boilers. It closed in 1959.

June Hancock, 59, who was awarded £65,000, is dying of mesothelioma, a cancer of the chest lining. As a child in the late 1930s and early 1940s, she played among the dust that drifted from Roberts's into the surrounding back-to-back terraces. Her doctors have told her she has little more than

two years to live. She began her action 13 months ago after her mother had died from the same ailment, soon after she herself was diagnosed a victim. She said after the judgment that she was "relieved", adding: "I fought this on behalf of my mother and all the others who cannot be here."

Adrian Hodgson, Mrs Hancock's solicitor, said it was scandalous that the case had needed to come to court. "This is a landmark decision," he said, adding that there were at least 35 to 40 other cases pending in the Armley area alone and possibly 500 nationally.

Evelyn Margerison, 69, was awarded £50,000 for the death four years ago of her husband, Arthur, a lorry driver. He too had mesothelioma. She took up the claim he had originally begun in 1991. Mr Margerison had lived near the factory from soon after his birth in 1925 until the 1950s. Both women had legal aid.

In his judgment, Mr Justice Hoffmann said that Roberts had paid far less attention to controlling asbestos dust than other factories. One survey had indicated that it could have reduced the escapes by up to 85 per cent. Instead, it chose to pay higher wages to overcome employees' fears of long-term effects of expo-

sure to asbestos. He said that Roberts had not been honest in admitting to the harm done in which it was based and added it was deliberately trying to delay the case.

It was "nothing" a wish to contest these claims by any means, Hodgson said, but otherwise, so as to wear them down by attrition. Its lawyers had "relentlessly persisted in taking hard points, apparently simply to obstruct the plaintiffs' road".

The judge said the effects of asbestos were known as far back as 1933, when regulations governing working with it were introduced. Research even then had indicated the vulnerability of young people to it and the company must have known that children regularly played near by. It was guilty of a breach of the same duty of care it owed to its workers inside the factory.

The court had heard evidence that many extractor fans had simply vented the lethal dust to the outside air, where it "collected in the streets". The judge said: "Cotton-wool-like fibres... blew in the wind and collected in gutters and against the corners of buildings, which a child could and did kick." He added: "Children of that era lived in confined houses, surrounded by comparatively safe streets. Inevitably, they



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spent much time in the lanes, playing in groups, particularly during the summers."

Eric Hudson, a schoolboy in the 1930s, remembered it gathering like snow in the playground of the Armley Clock School where children had tried to scoop it up for snowballs to throw at each other. Eunice Bradley, 57, remembered using sacks full of waste asbestos to bounce on. "When we jumped on the sacks, I can

remember grey-blue dust coming out of them. If we jumped hard enough, the bags burst open."

Other residents had recalled the constant need to dust their homes. Furniture wiped clean would need another dusting half-an-hour later and one man's pink bedroom was turned blue by the dust.

T&N shares fall, page 25
Tempos, page 28

Jails 'on road

Tumim's prisons is

By RICHARD LLOYD
Home Correspondent

THE Government report on jail security was denounced yesterday by the Chief Inspector of Prisons, who said that it had opened "the road to the concentration camp".

Judge Stephen Tumim urged the Home Secretary to disregard the thrust of the report, which he said had got the balance wrong between security and humanity.

The outburst came as The Times learnt that the Prison Service and Michael Howard have been sent warnings about lax security at Strangeways jail in Manchester.

During a recent visit, members of the prison inspectors were alarmed by inadequate searches at the jail, which can hold up to 900 inmates, and poor monitoring of closed-circuit television.

Immediately after the inspection they set out their concerns in a letter to Richard Lill, then Director of Security for Prisons, with a copy to the Home Secretary. The jail, scene of riots in 1990, reopened last year after an £80 million modernisation programme that included installation of the latest security systems.

Sir John Latham's report on the breakdown from the top security Parkhurst prison made more than 100 recommendations. They included building a maximum-security jail to hold the most dangerous inmates and consideration of armed response teams and

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Sams had false leg searched

MICHAEL SAMs, the convicted killer and kidnapper, had his artificial leg removed and searched for weapons after he assaulted a probation officer in prison, the Home Office confirmed yesterday.

The brief search took place after Sams, 33, attacked Julia Flack last Monday. His artificial right leg was replaced after the search and he is now in solitary confinement. He is serving life sentences for the murder of Julie Dart and the kidnapping of the estate agent Stephanie Slater.

Sams attacked Mrs Slack, the wife of the Archbishop of Pontefract, at Wakefield prison. Colin Slater, chairman of the Wakefield branch of the Prison Officers' Association, said: "Sams is a very, very unpopular prisoner. Had prison staff not got there, prisoners would have taken care of him themselves. He was moved from D wing because he had been intimidating to male members of staff."

Gems of potato world are stolen

By MICHAEL HORNBY, AGRICULTURE CORRESPONDENT

SCIENTISTS have appealed to thieves to return rare potatoes stolen from a research centre in Northumberland. Some may be irreplaceable.

About a ton of seed potatoes, including more than 150 different varieties, was taken during a break-in at the Potato Multiplication Unit of the National Institute of Agricultural Botany at Morpeth.

David Young, a trials officer at the centre, said: "The tragedy is that the thieves will probably try to sell the potatoes for eating. They are very small and would probably not fetch more than £200 as celeris. Yet some of the varieties are very rare and may be impossible to replace."

"We are still doing a check to see exactly what we have lost. The potatoes are each about the size of a large egg and come in a variety of colours, red, purple, white and even spotted." The pota-

atoes were being stored at Morpeth before being sent to be planted on experimental farms near Cambridge, where they are used to train inspectors in the recognition of different varieties and to build up a collection of race types.

Mr Young said: "The north of England is seen as a high-grade seed potato area, mainly because of the climate and lack of disease risks. We have had a spate of break-ins for bits of machinery and the like but this is the first time potatoes have been stolen."

The thieves' haul is thought to include such unusual varieties as majestic, golden wonder and edzell blue.

A police spokesman said: "We want anyone who is offered unusually shaped or coloured potatoes to contact us. They were packed into 150 brown paper bags, each with a small pink label naming the variety."

THE PRINCIPLES OF INFORM

The advancement of knowledge is 1 attention to



The number of people you

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Their High Court victory in Leeds against the British-based multinational T&N, whose conduct of its case was severely criticised by the judge, could trigger scores of claims from victims whose only connection with cancer-causing asbestos was living near a factory producing it.

T&N, which was called Turner & Newall until 1987, has already paid £25.1 million worldwide to people directly affected by asbestosis and other related diseases.

The first cases were brought by two people who had spent their childhood more than 30 years ago living under the shadow of the T&N asbestos plant in the Armyville district of Leeds. The factory in 1925 until the 1950s made insulating materials for steam engine boilers. It closed in 1959.

June Hancock, 59, who was awarded £65,000, is dying of mesothelioma, a cancer of the chest lining. As a child in the late 1930s and early 1940s, she played among the dust that drifted from Robert's into the surrounding back-to-back terraces. Her doctors have told her she has little more than

two years to live. She began her action 13 months after her mother had died from the same ailment, soon after she herself was diagnosed a victim. She said after the judgment that she was "elated", adding: "I fought this on behalf of my mother and all the others who cannot be here."

Adrian Bucken, Mrs Hancock's solicitor, said it was remarkable that the case had needed to come to court. "This is a landmark decision," he said, adding that there were at least 30 to 40 other cases pending in the Armitage area alone and possibly 500 nationally.

Evelyn Margerison, 69, was awarded £50,000 for the death four years ago of her husband, Arthur, a lorry driver. He too had mesothelioma. She took up the claim he had originally begun in 1991. Mr Margerison had lived near the factory from soon after his birth in 1925 until the 1950s. Both women had legal aid.

In his judgment, Mr Justice Holland said that Robert's had paid far less attention to controlling asbestos dust than other factories. One survey had indicated that it could have reduced the escapes by up to 85 per cent. Instead, it chose to pay higher wages to overcome employees' fears of the long-term effects of expo-

sure to asbestos. He said it was hard to see how any benevolent attitude to the community in which it was based and a sense of duty to delay the case.

The judge said the effects of asbestos were known as far back as 1933, when regulations governing working with it were introduced. Research even then had indicated the vulnerability of young people to it and the company must have known that children regularly played near by. It was guilty of a breach of the same duty of care it owed to its workers inside the factory.

The court had heard evidence that many extractor fans had simply vented the lethal dust to the outside air, where it collected in the streets. The judge said: "Cotton-wool-like fibres... blew in the wind and collected in gutters and against the corners of buildings, which a child could and did kick." He added: "Children of that era lived in confined houses, surrounded by comparatively safe streets. Inevitably, they



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atoes were being stored at Mowbray before being sent to be planted on experimental farms near Cambridge, where they are used to train inspectors in the recognition of different varieties and to build up a collection of rare types.

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THE PRINCIPLES OF INFORMATION

The advanced knowledge is 1 attention to



The number of people you

Ch 5: advanced R_5 is
in Sprayers rep.
by Hilberg + Hanson

Ch 2 (?) final word on XS
Ca risk sites of 195
insults:
Larynx, oropharynx,
Kidney, pancreas, esophagus
colon, rectum
gall bladder/bile ducts
(total Ca 3X expected)
ANYAS 6431 (1991)

Appendix 5 Norton Nelson
 died in 1990
TAN name Δ in 1957

T+N damages pd. only
\$350 million to date

Hancock, Murgerson v. T+N

judgment that T+N
"reprehensibly persisted
in taking bad points,
apparently to obstruct
the plaintiffs' road."
The Times 10/12/95

Ch 11