

Damages (Asbestos-related Conditions) Bill

[AS INTRODUCED]

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Provide that certain asbestos-related conditions are actionable personal injuries; and for connected purposes.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Pleural plaques

1.—(1) Asbestos-related pleural plaques are a personal injury which constitutes actionable damage for the purposes of an action for damages for personal injuries.

5 (2) Any rule of law the effect of which is that asbestos-related pleural plaques do not constitute actionable damage ceases to apply to the extent it has that effect.

(3) But nothing in this section otherwise affects any statutory provision or rule of law which determines whether and in what circumstances a person may be liable for damages in respect of personal injuries.

10 (4) In this section and in section 2 “statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33).

Pleural thickening and asbestosis

15 2.—(1) For the avoidance of doubt, a condition mentioned in subsection (2) which has not caused and is not causing impairment of a person’s physical condition is a personal injury which constitutes actionable damage for the purposes of an action for damages for personal injuries.

(2) Those conditions are—

- (a) asbestos-related pleural thickening; and
- (b) asbestosis.

20 (3) Any rule of law the effect of which is that such a condition does not constitute actionable damage ceases to apply to the extent it has that effect.

(4) But nothing in this section otherwise affects any statutory provision or rule of law which determines whether and in what circumstances a person may be liable for damages in respect of personal injuries.

Limitation of actions

- 3.**—(1) This section applies to an action for damages for personal injuries— 5
- (a) in which the damages claimed consist of or include damages in respect of—
 - (i) asbestos-related pleural plaques; or
 - (ii) a condition to which section 2 applies; and
 - (b) which, in the case of an action commenced before the date this section comes into operation, has not been determined by that date. 10

(2) For the purposes of Articles 7 and 9 of the Limitation (Northern Ireland) Order 1989 (NI 11) (special time limits for actions in respect of personal injuries and actions under the Fatal Accidents (Northern Ireland) Order 1977), the period beginning with 17 October 2007 and ending with the day on which this section comes into operation is to be left out of account. 15

Commencement and retrospective effect

- 4.**—(1) This Act (other than this subsection and section 5) comes into operation on such day as the Department of Finance and Personnel may by order appoint.
- (2) Sections 1 and 2 are to be treated for all purposes as having always had effect. 20
- (3) But those sections have no effect in relation to—
- (a) a claim which is settled before the date on which subsection (2) comes into operation (whether or not legal proceedings in relation to the claim have been commenced); or 25
 - (b) legal proceedings which are determined before that date.

Short title and Crown application

- 5.**—(1) This Act may be cited as the Damages (Asbestos-related Conditions) Act (Northern Ireland) 2011.
- (2) This Act binds the Crown to the full extent authorised or permitted by the constitutional laws of Northern Ireland. 30