

HOUSE OF LORDS

SESSION 2001–02  
52nd REPORT

APPEAL COMMITTEE

# **ASBESTOS-INDUCED MESOTHELIOMA**

REPORT

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*Ordered to be printed 6th February 2002*

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LONDON

# FIFTY-SECOND REPORT

from the Appeal Committee

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6TH FEBRUARY 2002

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## ORDERED TO REPORT

1. On 30 January 2002, the Appeal Committee reported to the House on a petition for leave to appeal in the Cause *Fairchild (suing on her own behalf and on behalf of the estate of and dependants of Arthur Eric Fairchild (deceased)) (Petitioner) v. Glenhaven Funeral Services Limited and others (Respondents)*. The petition was considered with four other petitions for leave to appeal. All five petitions concerned issues arising in cases where an employee has suffered, or may suffer, asbestos-induced mesothelioma after being exposed to asbestos dust after working for more than one employer. The other four petitions were:

Matthews (Petitioner) v. Associated Portland Cement Manufacturers (1978) Limited and others (Respondents);

Fox (suing as widow and administratrix of Thomas Fox (deceased)) (FC) (Petitioner) v. Spousal (Midlands) Limited (Respondents);

Dyson and another (executors of Lawrence Twohey (deceased)) (Petitioners) v. Leeds City Council (Respondents);

Pendleton (Respondent) v. Stone & Webster Engineering Limited and others and others (Petitioners);

The Committee recommended (and the House Ordered) that in the petitions of Matthews and Fox leave to appeal should be given. They recommended that leave should be refused in the other cases including the petition which is the subject of this report.

2. Since the Order of the House on 30th January, further submissions have been made on behalf of Fairchild. These were referred to an Appeal Committee of the same membership as the original Committee. Having considered these further submissions the Committee have decided that it would be right to grant leave to appeal in the case of Fairchild notwithstanding their earlier decision.

## RECOMMENDATION

3. The Committee recommend that the Order made pursuant to the 48th Report (Session 2001-02) of the Appeal Committee on 30th January 2002, relating to the petition for leave to appeal in the Cause *Fairchild (suing on her own behalf and on behalf of the estate of and dependants of Arthur Eric Fairchild (deceased)) (Petitioner) v. Glenhaven Funeral Services Limited and others (Respondents)* be vacated; and that leave to appeal be given on terms that the appellant does not seek to argue the appeal with reference to the question of occupier's liability.