



## In Focus

### Mesothelioma (Amendment) Bill [HL] HL Bill 18 of 2015–16

#### Key Provisions

The [Mesothelioma \(Amendment\) Bill \[HL\]](#) is a private member's bill introduced by Lord Alton of Liverpool (Crossbencher). The Bill received its first reading in the House of Lords on 2 June 2015 and is due to receive its second reading on 20 November 2015. The Bill seeks to amend the Mesothelioma Act 2014 to ensure that the levy paid by insurance companies, introduced by the 2014 Act, is also used to fund research into mesothelioma.

- Section 13(1) of the Mesothelioma Act 2014 instructs the Secretary of State to make regulations requiring active insurers to pay a levy with a view to meeting the costs of the Diffuse Mesothelioma Payment Scheme. Clause 1(2) of the proposed Mesothelioma (Amendment) Bill would amend the Mesothelioma Act 2014 to require the regulations to specify that the levy should include a research supplement.
- Clause 1(2) includes details of the level of the research supplement. It would require the research supplement to be expressed as a percentage of the levy and not to exceed 1 percent.
- Clause 1(2) provides details of the uses and functioning of the research supplement. Regulations would include details of the provision of financial assistance for research into mesothelioma to be applied by way of grants or other financial assistance and require the scheme administrator to make arrangements for the application of the research supplement.
- Clause 1(2) requires the Secretary of State to consult with insurers, medical charities and research foundations, and other persons or bodies who the Secretary of State thinks might be interested, prior to making any regulations regarding the research supplement.

The Bill is identical to the Mesothelioma (Amendment) Bill 2014–15, a private member's bill introduced by Lord Alton of Liverpool on 17 July 2014; the Bill did not received a second reading.

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#### Background

Mesothelioma is a cancer of the protective lining of the lungs or abdomen. At present, there is no known cure for mesothelioma; progress of the disease is usually rapid once diagnosed—death typically occurs within twelve to eighteen months. The annual number of mesothelioma deaths in Great Britain has increased from 2,312 in 2011 to 2,548 in 2012 and 2,538 in 2013. There were 2,123 male deaths and 415 female deaths in 2013. The higher proportion of mesothelioma deaths among men is largely due to high levels of asbestos exposure in male dominated occupations many years ago.<sup>1</sup>

The [Mesothelioma Act 2014](#) provided the legislative framework for a new Diffuse Mesothelioma Payment Scheme to make payments to people with mesothelioma who were exposed to asbestos either negligently or in breach of statutory duty by their employer, and who are unable to bring a claim for damages against the employer or that employer's Employers' Liability (EL) insurer. The scheme is funded by a levy on insurance companies and can make payments to people first diagnosed on or after 25 July 2012. The scheme is UK-wide and commenced in April 2014; payments can be made to dependants, where the person has died.<sup>2</sup>

During the passage of the 2014 Act, members from both the Lords and Commons suggested that the levy being paid by insurance companies could also be used to fund research into mesothelioma.<sup>3</sup> Lord Alton of Liverpool moved an amendment during report stage of the Bill, which sought to fund research into mesothelioma through the insurance levy; the amendment was defeated by 199 votes to 192.<sup>4</sup> A similar amendment was moved in the Commons by Steve Rotherham (Labour MP for Liverpool, Walton), on 7 January 2014 which was defeated by 266 to 226 votes.<sup>5</sup> A private members bill on the subject was also introduced in the Commons during the 2014–15 session; it did not receive a second reading.<sup>6</sup>

[Government figures](#) suggest that in 2013–14 the National Institute for Health Research (NIHR) spent £0.4 million on mesothelioma research; with actual expenditure figures said to be higher given the methodological difficulties in disaggregating expenditure relating solely to mesothelioma. A further £1.7 million was also spent by Medical Research Council. The Government also announced a donation from the insurers Aviva and Zurich of £250,000 each per annum to the British Lung Foundation for mesothelioma research over two years.<sup>7</sup> In answer to a recent written [parliamentary question](#) concerning research into mesothelioma the Department of Health noted the NIHR “has invited researchers to apply for mesothelioma research funding, in particular to address the research questions identified through the Mesothelioma Priority Setting Partnership and published in December 2014”. The Mesothelioma PSP was set up in 2013 “to ask patients, carers and health professionals to identify and then prioritise the unanswered questions that concern them most about mesothelioma diagnosis, treatment and care”.<sup>8</sup>

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## Further Information

- James Lind Alliance, [Setting Priorities for Mesothelioma Research](#), June 2015
- House of Commons Library, [Asbestos-Related Diseases: Payments from the Department for Work and Pensions](#), 18 September 2014, SN 6012 and [Mesothelioma: Civil Claims](#), 9 February 2015, SN 4450
- Health and Safety Executive, [Mesothelioma in Great Britain](#), October 2014

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<sup>1</sup> Health and Safety Executive, [Mesothelioma in Great Britain](#), October 2014, p 4.

<sup>2</sup> House of Commons Library, [Mesothelioma: Civil Claims](#), 9 February 2015, SN 4450, p 3.

<sup>3</sup> House of Commons Library, [Mesothelioma Bill \[HL\]: Commons Stages](#), January 2014, SN 6789, pp 9–11.

<sup>4</sup> HL *Hansard*, 17 July 2014, [cols 769–793](#).

<sup>5</sup> HC *Hansard*, 7 January 2014, [col 197](#).

<sup>6</sup> HC *Hansard*, 10 March 2015, [col 174](#).

<sup>7</sup> House of Lords, Written Question: Mesothelioma, 25 March 2015, [HL5852](#).

<sup>8</sup> James Lind Alliance, [Setting Priorities for Mesothelioma Research](#), June 2015, p 2.

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