

5th August 2016

Mr Brian Landers
Companies House Chair
Crown Way
Cardiff
CF14 3UZ

Dear Mr Landers

Proposals to delete Companies House data

I am writing to express our concern at the published proposals to delete data on dissolved companies from Companies House records. If these proposals are allowed to proceed it will result in further injustice to victims of asbestos diseases, often with limited time left to live, seeking to pursue compensation claims for diseases resulting from historic asbestos exposure. I fail to see how such a move can be justified or why it is necessary.

Asbestos victims face many hurdles when seeking legal redress for negligent exposure by a former employer. As disease typically develops decades after asbestos exposure (average of 35 years for mesothelioma), it is likely that the firm they worked for may have dissolved. Asbestos victims and their solicitors rely on records of dissolved companies held by Companies House to pursue a civil claim for compensation, for example in tracing the insurance company on cover at the time they were employed. These unnecessary proposals will result in access to justice being denied to many asbestos victims as well as victims of other industrial diseases.

Destruction of data on dissolved companies will also impact financially on other Government initiatives that have been established to address the injustice suffered by asbestos victims unable to secure justice because of the negligent destruction of records. The Diffuse Mesothelioma Payments Scheme was set up, at great expense, because insurance companies destroyed, or failed to properly maintain, records. This resulted in many sufferers of asbestos diseases dying uncompensated and led to the Government stepping in to put right this injustice. If Companies House is allowed to destroy records as suggested, this will undoubtedly lead to additional claims to the Diffuse Mesothelioma Payments Scheme and additional pressure on the cash limited budget. And it will allow insurers who were paid premiums on the employer liability insurance policies they issued to pass liability costs on to other parties.

We are shocked that this news follows so soon after the scandal of HMRC delays in issuing work histories that has caused asbestos victims so much difficulty in pursuing legal claims. The deck is already heavily stacked against victims of asbestos diseases because of the long latency of their diseases and the difficulties tracing former employers or their insurers. If Companies House destroys records of dissolved companies older than 6 years this will undoubtedly result in some asbestos victims being unable to pursue legal claims and many others experiencing further delays in commencing and concluding such claims.

We would urge you in the strongest possible terms not to allow these proposals to go ahead. It cannot be right to throw further obstacles in the path of desperately ill, usually terminally ill, victims of asbestos diseases seeking to secure justice.

Asbestos Victims Support Groups' Forum UK

Asbestos Action Tayside; Asbestos Support West Midlands; Cheshire Asbestos Victims Support Group; Clydebank Asbestos Group; Derbyshire Asbestos Support Team; Greater Manchester Asbestos Victims Support Group; Hampshire Asbestos Support & Awareness Group; Merseyside Asbestos Victims Support Group; South Yorkshire Asbestos Victims Support Group

I would be grateful if you would reply at your earliest convenience.

Yours sincerely

Graham Dring
Chair
Asbestos Victims Support Groups' Forum UK

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