



Imperium *Law* llp

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Local law firm strikes back for miners' rights

Macclesfield-based law firm, Imperium Law LLP, has recently settled a landmark case against British Coal which may bring access to justice for many sick and elderly miners

Philip Jackson, partner at Imperium Law LLP, acted for the successful claimant in *RB v British Coal Corporation*, part of the British Coal Respiratory Disease Litigation – the largest ever personal injury action in the United Kingdom. The claimant, who was employed by the National Coal Board/ British Coal, for over 20 years suffers from Chronic Obstructive Pulmonary Disease (COPD) as a result of his exposure to coal dust whilst working at the Golborne Colliery in Greater Manchester.

This case is the first to be brought and allowed since the closure of the Coal Health Compensation Scheme on the 31st March 2004 and the fact that it has been upheld may enable other miners, who may have thought they were too late to bring claims, to pursue claims for compensation for COPD.

The Department for Business, Enterprise and Regulatory Reform (which is responsible for the National Coal Board) attempted to prevent the claim proceeding on the grounds that Mr B should have lodged his claim before the scheme closed in 2004.

The scheme sets out how liability is established and compensation paid for health problems caused by working underground in British Coal mines. It was originally brought in as an alternative to taking a claim through the courts, mainly because of the volume of claims that the government expected to be lodged by both miners and their widows, speeding up the process for claimants. Before its closure in 2004, nearly 600,000 claims had been registered.

Despite strong resistance from British Coal's Solicitors, Mrs Justice Swift, sitting in the High Court, determined that it was in the interests of justice for the claimant's case to be allowed to proceed not least because there was evidence that the claimant was not aware that he was suffering from COPD until after the 31st March 2004 cut-off. Following this landmark decision, British Coal decided to settle out of court for an undisclosed sum.

Philip Jackson commented: "This settlement really is a triumph! Not only has my client received the compensation which he so rightly deserves, and badly needs, but it opens the door for other miners who have endured the conditions in these collieries, and are now suffering the consequences, so that they can pursue their compensation entitlements.

"The Courts, quite rightly, realised that the stay on the compensation scheme was purely for administrative purposes rather than being in the interests of justice and the miners. It means that those miners who have recently noticed symptoms, or who have perhaps only been diagnosed in the last three years, may now be entitled to make a claim," he explained.

Imperium Law LLP was founded in 2005 by partners Phillip Jackson and Christopher Ward, specialising in personal injury and industrial disease litigation. The firm represents a wide variety of clients including those involved in the textile and steel industries as well as dock workers and other heavy industry employees with cases ranging from road traffic accidents to accidents at work and industrial disease claims.

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