

# LEGAL AID, SENTENCING AND PUNISHMENT OF OFFENDERS ACT 2012

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## EXPLANATORY NOTES

### COMMENTARY

#### **Part 2: Litigation funding and costs**

##### **Payments for legal services in civil cases**

##### *Section 48: Sections 44 and 46 and diffuse mesothelioma proceedings*

301. [Section 48](#) provides that sections 44 (abolition of recoverability of success fees) and 46 (abolition of recoverability of “ATE” insurance premiums) may not be commenced in respect of proceedings relating to claims for damages for diffuse mesothelioma until the Lord Chancellor has reviewed the likely impact of those sections on such claims and has published a report on the review’s conclusions. This means that, until that time, successful claimants in these cases will continue to be able to recover success fees and ATE insurance premiums from losing defendants.
302. Diffuse mesothelioma is defined by reference to the Pneumoconiosis etc (Workers’ Compensation) Act 1979<sup>1</sup>.

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<sup>1</sup> [1979 c.41](#)