

*These notes refer to the Damages (Asbestos-related Conditions) Act
(Northern Ireland) 2011 (c.28) which received Royal Assent on 25 July 2011*

Damages (Asbestos-related Conditions) Act (Northern Ireland) 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1 – Pleural plaques

11. This section addresses the central reasoning of the judgment in *Johnston* by providing that asbestos-related pleural plaques are actionable damage. Subsection (1) provides that pleural plaques can be the subject of a claim for damages. In other words, pleural plaques are material damage that is not de minimis for the purposes of a claim in negligence. Subsection (2) disapplies any rule of law, such as the common law principles referred to in the *Johnston* case, to the extent that their application would result in pleural plaques being considered non-actionable. Subsection (3) ensures that section 1 does not otherwise affect the operation of statutory or common law rules for determining liability.