

Stephen Naysmith; THE HERALD; Scotland, 17th February 2017

CHILD ABUSE VICTIMS SLAM INSURERS OVER TIMEBAR

CHILD abuse survivors have criticised insurers for attempting to derail a law which would give many a fresh chance of justice.

The Scottish [Government](#)'s Limitation (Childhood Abuse) [Scotland](#) Bill could overcome the time bar which has prevented many victims from taking civil action against the institutions or individuals who abused them, because more than three years has passed since the alleged crimes.

It is currently under consideration at [Holyrood](#)'s justice committee, but in written evidence the Association of British Insurers has argued that the new law could see many more than the Government's initial estimate of 2,200 court claims and costs could spiral. The ABI objected to the law permitting people to raise cases again which were previously blocked by the time bar and said the bill would encourage more cases to come forward.

The intervention by the industry body provoked an furious reaction from two charities representing abuse victims.

David Whelan, of the Former Boys and Girls Abused of Quarriers Homes, will give evidence to the Justice Committee on Monday. He said: "The insurance industry are a special interest group and have demonstrated that they will seek any opportunity to avoid liability. All childhood abuse cases should be given a fair and reasonable hearing process in the Scottish civil courts, without exception."

He said insurers often claimed they would concede any cases where there was no reasonable doubt someone had been abused. "They are not sincere," he said. "My own abuser was convicted and sentenced, and the insurers still wrote to me saying 'we don't believe you were abused'

"We fully accept that the defenders have a right to challenge any cases they wish and the change in time-bar legislation will not remove that right."

Alan Draper, spokesman for In Care Abuse Survivors Scotland, said: "It doesn't surprise us insurance companies are anxious. They are not interested in justice being done for survivors, only in avoiding having to pay out. Yet again we are getting resistance from the establishment. It is disappointing but we are hoping the Government will understand that it is justice for survivors that is important."

The ABI said the 2,200 estimate "fails to take into account the potential effect of the Bill in encouraging more cases to be brought or of previously heard cases to be resurrected. Scottish ministers therefore seem at risk of considerably underestimating the total number of cases raised... and the financial implications for public funds including legal aid, and the budgets of local authorities, the Scottish Government and other public bodies."

Police Scotland has also warned the impact of the bill could be costly. In a written submission, Police Scotland said it supported the Bill but added it estimated the force held at least 5,000 files dating back to 1964 relating to reports of child abuse and neglect within a care setting. The force said: "Police Scotland is of the opinion that the reference point is a conservative estimate and the impact on the Scottish courts may be more significant than suggested."

The proposals are also supported by the Scottish Human Rights Commission, Victim Support Scotland and the Law Society of Scotland.