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Justice Committee backs plan to lift child abuse damages time bar

Plans to lift a time bar to allow child abuse survivors to sue for damages has been backed by Holyrood's Justice Committee.

The committee heard evidence that the current three-year limit on bringing civil cases has created a "insurmountable barrier" to access to justice.

In a report, the committee stated: "Survivors have been let down by the justice system and denied the opportunity to have their voices heard."

The Limitation (Childhood Abuse) Bill due to be debated at Holyrood next week will scrap the limit on personal injury cases for survivors of childhood abuse up to 1964.

The new law does not extend to those abused before that date and the Justice Committee report said the Scottish Government "must explore what other options for redress could be made available for this group".

The report said civil action will not be the right course for all survivors and support must be given about whether to claim and throughout the legal process.

Concerns were raised that the estimate of 2,200 potential cases in the Scottish Government's financial memorandum is "conservative" and the cost of the bill may have been underestimated.

The committee said the proposed changes to the law need to be carefully implemented to address the likely impacts on the finances and resources of bodies such as local authorities and charities as they face historic claims and requests for information.

The report also highlighted evidence that rehearing previously-raised cases could have major legal ramifications and asked the Government to give further thought to how this will work in practice.

Committee convener Margaret Mitchell said: "The Justice Committee is happy to endorse the general principles of this Bill.

"It became clear to us that the time bar had created a barrier to access to justice for cases involving historic childhood abuse. The Bill will help remove that barrier and give survivors a voice.

"That said, our evidence sessions raised serious questions in a number of areas that the committee considers the Government must take on board before the final Bill is put to Parliament.

"In particular, the committee asks the Government to address concerns around ensuring affected organisations have the resources they need and how those survivors who won't be covered by this Bill may still find a remedy."

Annabelle Ewing, minister for community safety and legal affairs, said: "The Scottish Government has been taking forward a range of measures to help right the wrongs committed against those who as children were failed so badly by the very individuals and institutions who should have cared for them most, including bringing this legislation to Parliament.

"I am grateful to the committee for their detailed scrutiny of the Bill and welcome their support for its general principles.

"Their report raises a number of important issues which the Government will reflect on and I look forward to a constructive debate next week to examine these in further detail."