



Bolt Burdon fights for longer limit to sue over child abuse

.....

Islington-based compensation claimants' boutique Bolt Burdon Kemp is among a handful of firms at the forefront of a campaign to change the law relating to the time limit on suing over child abuse.

The campaign, which kicked off last month, is being coordinated by the Association of Child Abuse Lawyers. It has asked its members to begin lobbying MPs in an attempt to extend the time limit laid down by the Limitation Act 1980, which is the same for all personal injury (PI) cases, regardless of the cause.

The head of the child abuse team at Bolt Burdon Kemp, Jonathan Wheeler, is coordinating his firm's campaign on a pro bono basis. He is seeking permission from his clients to contact their MPs to put pressure on the Government to change the law on behalf of their constituents. He argued in the letter that the limitation law applies to all PI-type claims, adding: "And in my belief, it's fundamentally unfair when applied to the area of child abuse litigation."

The current law means that if someone has been abused as a child, they have a non-extendable six years to sue the abuser. That period runs from their eighteenth birthday, which means it expires by the time they reach 24.

If someone wants to sue an organisation or another individual who may have been negligent in allowing the abuse to take place, the case has to be brought within three years from their eighteenth birthday, or from a later 'date of knowledge' - ie when the memory of the abuse was triggered.

For this, claimants have to prove that they only later realised the nature or seriousness of the harm done and/or the identity of those responsible.

Wheeler, who is also a director of the Association of Child Abuse Lawyers, said many of his clients were in their 30s or 40s before they sued over events that happened when they were aged 15 or less. By that time at least 15 years had passed, which meant that many of their cases were failing.

"My view is that this cannot be justice for these people," he said. "These cases are tragically slow to come to light because people just try to bury their memories. Eventually, many of them find the courage to tell their stories, only to realise they have no recourse in law to help them."

The problem was highlighted recently by two Court of Appeal cases: C v Middlesbrough Council and T v Boys and Girls Welfare Service (both in December 2004). Both cases were unsuccessful because of a technical interpretation of the limitation laws.

Wheeler said the Law Commission published a report on this issue in 2001, which found that a change in the law would improve justice for many sufferers of child abuse. Had the Law Commission's recommendations been acted on, Wheeler believes many of his clients, and the claimants C and T in the Court of Appeal cases, may have obtained the justice they deserved.

In the feature 'Tartan Army' (20 June), it was stated that McGrigors acted for Royal Bank of Scotland on the Silvertown Quays development. In fact, the client was Bank of Scotland (HBOS).

Section: Opinion
Author:

Date: 27-Jun-2005
Source: The Lawyer