



Sir Robert Neill MP
Chair
Justice Committee
House of Commons
London
SW1A 0AA

The Right Honourable
Alex Chalk KC MP
Lord Chancellor & Secretary
of State for Justice

MoJ ref: SUB114856

15 May 2024

Dear Sir Bob,

CONSULTATION ON LIMITATION LAW IN CHILD SEXUAL ABUSE CASES

I am writing to let the committee know that the Government has today published a consultation paper on limitation law in child sexual abuse cases.

The present law on limitation in England and Wales is primarily contained in the Limitation Act 1980 which sets a range of time limits for various types of civil claims. Child sexual abuse claims are normally treated as personal injury claims and are usually subject to a three-year limitation period. This means that claims must be brought within three years of the abuse happening or the victim having knowledge of the abuse or alternatively, when the victim attains the age of 21 if they were under 18 when the abuse occurred. The legislation provides for an extension to be granted and the norm is for historic claims to be made on the basis of seeking this.

The Independent Inquiry into Child Sexual Abuse in England and Wales (the Inquiry) was established in 2015 to carry out a wide-ranging review into historical child sex abuse. In its final report the Inquiry recommended that the UK Government makes changes to legislation in order to ensure: the removal of the three-year limitation period for personal injury claims brought by victims and survivors of child sexual abuse in respect of their abuse; and the express protection of the right to a fair trial, with the burden falling on defendants to show that a fair trial is not possible. The Inquiry recommended these provisions should apply whether or not the current three-year period has already started to run or has expired, except where claims have been dismissed by a court or settled by agreement. They should, however, only apply to claims brought by victims and survivors, not claims brought on behalf of victims and survivors' estates.

The Government's response to the Inquiry agreed to publish a consultation paper exploring options on how the existing judicial guidance in child sexual abuse cases could be strengthened as well as setting out options for the reform of limitation law in child sexual abuse cases. This consultation fulfils that commitment.

The Government's initial and present policy position is that it supports options 2 (reverse the burden of proof in child sexual abuse cases so that an action would proceed unless the defendant satisfies the court that it is not possible for a fair hearing to proceed or that he/she (the defendant) would be substantially prejudiced were the action to proceed), and 3 (codifying existing judicial guidance).

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These options take account of the exceptional nature of child sexual abuse while respecting the need for finality and certainty as a key aspect of the rule of law. However, a final policy position will not be settled until responses to the consultation are considered and analysed.

If you or the Committee have any views on these proposals do please let me know.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Alex Chalk'.

RT HON ALEX CHALK KC MP

LORD CHANCELLOR AND SECRETARY OF STATE FOR JUSTICE