

Andy Slaughter MP
Chair
Justice Committee
House of Commons
London
SW1A 0AA

MoJ ref: Sub 121301

05 February 2025

Dear Andy,

CONSULTATION ON LIMITATION LAW IN CHILD SEXUAL ABUSE CASES – GOVERNMENT RESPONSE

I am writing to let you know that the Government intends to remove the limitation period for personal injury claims brought by victims and survivors of child sexual abuse in respect of their abuse. The Government will thus implement a key recommendation of the Independent Inquiry into Child Sexual Abuse in England and Wales (IICSA).

The Government's response to the consultation paper on limitation law in child sexual abuse cases, which ran between 15 May and 10 July last year, has now been published.

In England and Wales, the Limitation Act 1980 sets a range of time limits for bring 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. Cases can still be brought outside of these time limits, but they require the permission of the court to proceed, and the claimant must satisfy the court that the defendant can receive a fair trial.

The Independent Inquiry into Child Sexual Abuse in England and Wales (IICSA) was established in 2015 to carry out a wide-ranging review into historical child sex abuse. In its final report, the IICSA recommended that the Government should make 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 would not be possible.

The IICSA recommended the 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.

In their response to the IICSA, the previous Government 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.

A total of 50 responses were received to the consultation paper. Of these, 15 were from respondents who identified themselves as victims or survivors of child sexual abuse, 19 were from those who identified themselves as being from the legal sector, 4 were from those who identified themselves as being from the insurance sector, 2 identified themselves as representing local government, while 10 “others” did not identify themselves as being from any of these groups.

The consultation responses showed strong support overall for the IICSA’s proposals. On the headline question of whether the three-year limitation period for personal injury claims should be removed for claims brought by victims and survivors of child sexual abuse, a substantial majority of respondents were in favour. There was also support from the majority of respondents for the burden of proof in child sexual abuse cases to be reversed, so that an action would proceed unless the defendant satisfies the court that it is not possible for a fair hearing to take place or that they (the defendant) would be substantially prejudiced were the action to proceed.

The position set out in the consultation document, launched by the previous Government, was to a) reverse the burden of proof in child sexual abuse cases and b) put into statute, guidance from the Court of Appeal case of *Chief Constable of Greater Manchester v Carroll* which set out the factors that the court should take into account in these claims. It was felt that these options took 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, this Government is determined that the voice of victims and survivors will be heard loud and clear.

To that end, the Government response accepts the view overwhelmingly expressed by consultation respondents that the limitation period should be removed for claims brought by victims and survivors of child sexual abuse in respect of their abuse. We agree that child sexual abuse is a special category of case that merits a different approach and its own time limit regime for bringing civil claims, with safeguards to ensure the interests of justice are met.

In addition, the Government response accepts that the burden of proof should be reversed in child sexual abuse cases so that an action can proceed unless the defendant can satisfy the court that it is not possible for a fair hearing to take place or that they (the defendant) would be substantially prejudiced were the action to proceed.

These measures, both recommended by the IICSA, will make it easier for victims and survivors to achieve the redress which they deserve, and it is the Government’s intention to legislate once a suitable legislative vehicle becomes available.

A handwritten signature in black ink, appearing to read 'Sarah Sackman', with a stylized, flowing script.

SARAH SACKMAN KC MP
Minister Of State