

PRESS RELEASE

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Government open to challenge on cases of child abuse and mesothelioma: limitation period for personal injury claims for children to be extended

The Limitation Act sets a time-limit during which legal action can be taken. In line with its policy following on from a manifesto commitment, the Government is pleased to announce the publication of a Bill to amend the Limitation Act in defined circumstances:

In claims of abuse of children in care, the Government has committed to disapply statutory time limits for any claims against the Crown.

The Government has similarly waived the limitation period in cases of mesothelioma alleged to have been caused by exposure to asbestos during a person's employment by the Crown.

Furthermore, the Limitation Act is being brought in line with UK legislation in its application to cases of personal injury suffered by children. As the Limitation Act currently stands, the limitation period in the event of an accident suffered by a child while in the custody of a parent starts to run from the date of the incident. Under the proposed changes to the legislation, the time period would commence upon the child reaching the age of 18.

While the latter amendment does not arise as a result of a manifesto commitment, it follows consideration of the difficulties that can arise in circumstances where parents choose not to pursue claims, and which their children may later be prevented from dealing with themselves.

The Minister for Social Services Samantha Sacramento explained:

"It will be recalled that the law presently prescribes a deadline or time-limit beyond which claims cannot be entertained. The amendment to the legislation seeks to disapply this time-limit in cases of neglect, ill-treatment or other abuses to a minor who was looked after by the Crown on the date when any right of action accrued. The time-limit is also waived when mesothelioma is alleged to have been caused by exposure to asbestos during the course of that person's employment by the Crown. The general extension of claims by children introduces an elements of fairness for claimants which is not available to them under the current rules."

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