

# Abolition of 3-year Limitation Period in Child Abuse Claims

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Author: Philip Davy

Victims of child sexual abuse who, later in life, pursue compensation claims, will no longer be required to bring those claims within 3 years of turning 18, nor will they have the burden of proving why their claim (if brought more than 3 years after turning 18) should be allowed to proceed.

This was one of the numerous recommendations of the IICSA, chaired by Professor Alexis Jay, which had not been fully implemented by the previous Conservative government.

Labour's Shabana Mahmood, the Lord Chancellor, in a [response](#) to an earlier consultation, "Limitation Law in Child Sexual Abuse Cases" published on 5<sup>th</sup> February 2025, announced that legislation would be introduced to make it easier for abuse survivors to pursue claims without having to justify the delay in bringing proceedings or to shoulder the burden of proving that a fair trial will still be possible. She acknowledged that "*child sexual abuse causes lifelong trauma*", and that there were often very good reasons why it took years, in some cases many years, before victims felt able to disclose their experiences at all, let alone contemplate legal action.

That said, the announcement suggests that defendants and insurers can and will still be able to prevent historic claims being brought, if they can satisfy the burden (which now shifts to them) of proving that a fair trial is *not* possible.

The position therefore appears to be, that there will be a presumption that a fair trial *is* possible, but it is a rebuttable presumption and a defendant can, in a given case, still succeed in having a claim dismissed if it is able to show that a fair trial is no longer possible.

The extent to which this change will affect cases remains to be seen; likewise, whether the proposals will be enacted in precisely the way that has been described to the media.

However, it appears reasonably clear from the government's formal [press release](#) announcing these changes (which will form part of new primary legislation known as the Law of Apologies and Limitation Law), that these proposed reforms to limitation will not be retrospective.

As such, an unusual situation arises, whereby those representing claimants may have an interest in *delaying* the pursuit of claims until the new law comes into effect, thereby simultaneously increasing the primary delay in proceedings being brought despite (under current legislation) those proceedings already being statute-barred.

An additional consideration, would be whether, in practical terms, abuse claims already being pursued through the courts under the present system, will now be treated more favourably on the issue of limitation than might otherwise have been

the case, as awareness of these impending changes to the law on limitation increases among representatives and the judiciary. It would seem unlikely a Judge asked to decide on a limitation defence in an abuse case which goes to trial the day before the new legislation comes into effect, would dismiss a claim as being statute-barred, in full knowledge that the same claim being brought the following day, would be decided under a different and seemingly more favourable regime.

When acting for claimants and defendants alike, it has typically always been difficult to evaluate the strength or weakness of any limitation defence under the current s.11/s.14/s.33 regime.

It is to be hoped that these amendments to the law of limitation will therefore provide meaningful change for claimants in abuse cases and, equally, will give defendants greater clarity about whether to pursue limitation defences (and the strength of any such defence) knowing they now have the burden of proving both *that* a fair trial is no longer possible, and *why*.

A further proposal which the government appears receptive to, is the “development of a specific Pre-Action Protocol for child sexual abuse claims”.

Those practising in this area await sight of the draft legislation for further detail as to how the changes will be incorporated into the existing framework of the Limitation Act 1980; and in precisely what terms; as well as any proposals relating to a new Pre-Action Protocol and how that might affect the running and defence of these claims in future.

The law in this area remains very much ‘on the move’.

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