

rmp

## Risk control

The Limitation  
(Childhood Abuse)  
(Scotland) Act 2017



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# The Limitation (Childhood Abuse) (Scotland) Act 2017

The Limitation (Childhood Abuse) (Scotland) Act 2017 (the Act) came into force on 4 October 2017, entering four new sub-sections into Section 17 of the Prescription and Limitation (Scotland) Act 1973.

The effect of this is to remove the three-year time limit in certain actions, and enable those victims/survivors who are alleging they were abused as children to seek civil damages in court for incidents from 26th September 1964 to the present day.

The removal of the three year period of limitation in Scotland will not eradicate the complexities experienced in England and Wales. Given the length of time between the abuse taking place and the case being brought to court; the evidence available can often be insufficient to enable those who wish to bring a claim to prove their case. There will also be circumstances where re-litigation will be possible. One such situation is where litigation previously failed due to limitation.

There is also the potential that this will result in a rise in claims numbers and could impact on the public purse if Scottish local authorities are unable to defend cases brought to court many years after the event.

Gallagher Bassett is well placed to assist authorities in Scotland in this transition. Support can be provided in the following ways:

- Review of current practice including:
  - Insurance coverage
  - Impact of Local Government Reorganisation
  - Claims analysis
  - Risk management practice
  - Recommendations and tips to support preparedness.
- Awareness training and facilitated sessions.

To discuss further the implications of the new Bill please contact your Risk Control Consultant.

Link to the Bill –

<http://www.gov.scot/Resource/0049/00496677.pdf>

## Further information

For access to further RMP Resources you may find helpful in reducing your organisation's cost of risk, please access the RMP Resources or RMP Articles pages on our website. To join the debate follow us on our LinkedIn page.

## Get in touch

For more information, please contact your RMP risk control consultant or account director.

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