

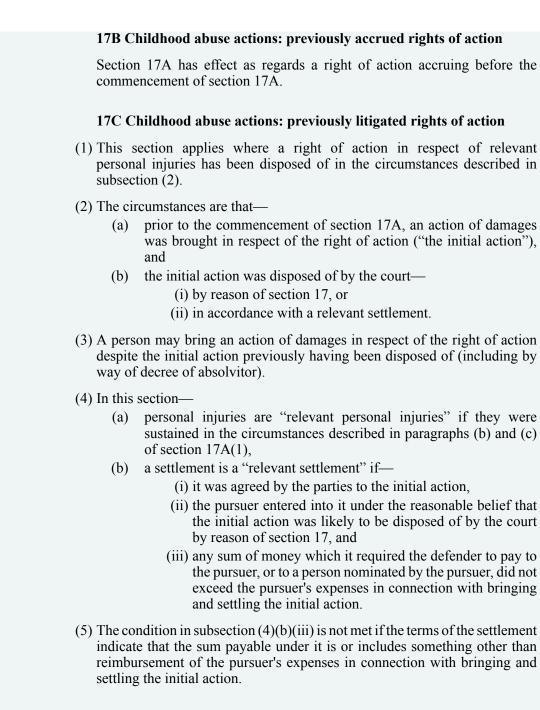
Limitation (Childhood Abuse) (Scotland) Act 2017 2017 asp 3

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 22nd June 2017 and received Royal Assent on 28th July 2017

An Act of the Scottish Parliament to remove the limitation period for actions of damages in respect of personal injuries resulting from childhood abuse.

VALID FROM 04/10/2017 1 Removal of 3 year limitation period in certain actions After section 17 of the Prescription and Limitation (Scotland) Act 1973 insert-"17A Actions in respect of personal injuries resulting from childhood abuse (1) The time limit in section 17 does not apply to an action of damages if the damages claimed consist of damages in respect of personal (a) injuries, the person who sustained the injuries was a child on the date the (b) act or omission to which the injuries were attributable occurred or, where the act or omission was a continuing one, the date the act or omission began, the act or omission to which the injuries were attributable constitutes (c) abuse of the person who sustained the injuries, and the action is brought by the person who sustained the injuries. (d) (2) In this section— "abuse" includes sexual abuse, physical abuse, emotional abuse and abuse which takes the form of neglect, "child" means an individual under the age of 18.

Status: Point in time view as at 29/07/2017. This version of this Act contains provisions that are not valid for this point in time. Changes to legislation: There are currently no known outstanding effects for the Limitation (Childhood Abuse) (Scotland) Act 2017. (See end of Document for details)



17D Childhood abuse actions: circumstances in which an action may not proceed

- (1) The court may not allow an action which is brought by virtue of section 17A(1) to proceed if either of subsections (2) or (3) apply.
- (2) This subsection applies where the defender satisfies the court that it is not possible for a fair hearing to take place.
- (3) This subsection applies where-

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- (a) the defender satisfies the court that, as a result of the operation of section 17B or (as the case may be) 17C, the defender would be substantially prejudiced were the action to proceed, and
- (b) having had regard to the pursuer's interest in the action proceeding, the court is satisfied that the prejudice is such that the action should not proceed.".

2 Commencement

- (1) This section and section 3 come into force on the day after Royal Assent.
- (2) Section 1 comes into force on such day as the Scottish Ministers may by regulations appoint.
- (3) Regulations under subsection (2) may—
 - (a) appoint different days for different purposes,
 - (b) contain transitional, transitory or saving provision.

3 Short title

The short title of this Act is the Limitation (Childhood Abuse) (Scotland) Act 2017.

Status:

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Changes to legislation:

There are currently no known outstanding effects for the Limitation (Childhood Abuse) (Scotland) Act 2017.