

Equity Will Prevail

In a recent case, the judge ruled that Section 11 of the Limitation Act 1980 should be set aside when it is in the interest of fairness to do so. Section 11 applies to assault cases and stipulates that there is a six-year limitation period in which to bring a claim for damages against the perpetrator of the assault.

Patrick Raggett claimed that, as a child, he had been subjected to persistent and frequent sexual abuse at the hands of Father Spencer, a Jesuit priest at his school in Lancashire. Jesuit leaders denied liability, saying that the case had been brought years after the legal time limit for bringing a claim had expired.

However, it wasn't until Mr Raggett underwent therapy, after suffering a breakdown in 2005, that the link between his childhood experiences and his serious long-term problems was made. Mr Raggett attributed his depression, difficulty forming relationships and under-achieving at work to the abuse he had suffered.

The judge accepted Mr Raggett's evidence and ruled that the case could go ahead to full trial.

When an individual has been the victim of serious abuse, it often takes them a considerable time, and therefore longer than six years, to come to terms with what has happened and to bring a claim. In the interest of justice, the Limitation Act may be set aside in such cases.

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