

Thank you for your email of the 26th June and Deputy Ward's letter of that date.

I am honoured to have been asked to contribute.

The best way I can contribute is to comment from my perspective as a UK lawyer who is still being asked by Jersey citizens for advice and representation.

I have to be circumspect as to what I write because of ongoing legal proceedings brought by my firm against the Jersey Government on behalf of a number of clients.

I remain concerned and astonished that whilst the criminal law in Jersey has made considerable advances in recent years in relation to child sexual abuse the civil law on this remains, in my opinion, in another age. This is of considerable significance when victims of child sexual abuse attempt to seek redress because they too often find that they cannot hold their abusers or the bodies (for example the Government) responsible to account because the law prevents this.

That law is Jersey's Limitation Law of 1960. It provides that a claim for compensation is precluded after the expiration of 3 years. We know of course from the Jersey Care Inquiry and elsewhere that victims of child abuse do not readily come forward for many years often due to the damage suffered. When they come forward, they are told they are "too late".

Most western Commonwealth countries have reformed their laws to reflect the reality of child abuse to ensure justice can be delivered. Jersey has not and is keeping company with the likes of Zimbabwe.

Jersey's criminal injuries scheme also has this 3-year rule. Again, it is in my opinion out of step with modern thinking and understanding.

I do not want to appear contentious, but I would to put it mildly question whether Jersey's rules and law in relation to these matters are compatible with international obligations as well as those of a domestic nature.

Jersey can be rightly proud of its two redress schemes, but I come across too many who have fallen through a nasty legal net and struggle to obtain redress.

I trust this email is in order. I hope and also trust this brief response is of interest and assistance.

Kind regards

Alan Collins
Partner

HUGH | JAMES