

**PE1351/Y**

7th June 2012

**PUBLIC PETITIONS COMMITTEE CONSIDERATION OF PE1351:**

1. We welcome recent developments including the setting up of the Stakeholder Reference Group and Survivor stakeholder group by the Scottish Government Officials.
2. FBGA have engaged in these groups and also met with CELCIS and the SHRC in the SHRC interaction.
3. The Scottish Government has a clear commitment to build on the work of the Scottish Law Commission and update the law. We are seriously concerned that Scottish Law Commission in report (Scot Law Com No 207) did not take the opportunity to address these issues comprehensively in 2007 when the SLC undertook a consultation concerning, Personal Injury Actions: Limitations and Prescribed Claims, nor did they make any special provisions for this group of claimants nor make any recommendations.

The SLC report No 207-2007 @ 5.16 to 5.25 Special Regime---- relating to historical abuse cases.

4. 5.20 of the SLC report states that “ For reasons set out in this Part of the Report we are of the opinion that a special regime would not be justified in Scotland , because of the unfairness that would inevitably result from and because of the difficulties of enacting retroactive legislation.

The question is: Why does the Scottish Government now believe that the Scottish Law Commission will take an opportunity to update the Law in the near future, given that they had a previous opportunity to do so in 2007?

Given the previous recommendations and judgements by the SLC in 2007 clearly these did not benefit these claimants whatsoever despite leading Scottish QCs recommending changes to the current Law. Given the previous position of the SLC in these matters, we have yet to be convinced that changes in the Law will actually take place and be enacted within a reasonable timeframe which will actually benefit this particular group of claimants and remove barriers to equitable justice and remedies.

5. 5.22 of the SLC report states “In particular Quarriers, a charity providing care to disabled children, highlighted the difficulties they would experience in defending claims relating to events which happened before 1964”. On the 31<sup>st</sup> May 2006, to the SLC. Quarriers opposed the removal of Timebar and made statements about remedies to the SLC which were clearly not supported by victims or survivors in respect of addressing these issues.

6. Given previous apologies by Jack McConnell MSP and 1st Minister and Quarriers organisation in 2004 in the Scottish Parliament. We have written To Margaret Mitchell MSP regarding her proposals, plans “apology legislation” proposed without addressing issues of accountability and liability. Requesting her to outline her plans and proposals and how such legislation will ultimately benefit historical abuse victim-survivors, individually and collectively. We intend to explore this issue with the SHRC and how such apology legislation will work in practice and on various levels.
7. We look forward to receiving the Resilience report, the Scoping report and National Suicide and Self Harm Monitoring and Implementation Group report in due course.

Yours Sincerely

David Whelan