

meant that he would be required to apply modified legal principles to the question of date of knowledge. The Young judgment was important because it changed the date of knowledge test from the subjective assessment set out in Bryn Alyn to an objective test. This represented a very significant change in the law relating to limitation, and it occurred right in the middle of the trial.

54. In addressing the question of limitation, Mr Justice Holland had to decide whether to extend the three-year primary limitation period in each case. Applying the reasoning from the Young judgment, he decided to extend the limitation period in one of the three cases (that of the claimant [redacted]) to allow that case to proceed, but refused to do so in the other two cases, those of [AR-A87] and [initials redacted]. His judgment was delivered on 23 November 2006, and has the citation [redacted] *and Others v Nugent Care Society* [2006] EWHC 2986 (QB).
55. Early in 2007, the Court of Appeal granted permission to appeal to the two unsuccessful lead claimants, [AR-A87] and [initials redacted]. However, that appeal was then deferred pending the judgment of the House of Lords in the appeal in *A v Hoare*. The *Hoare* appeal (which also included a linked appeal against the judgment in *Young v Catholic Care* to which I have already referred) was heard by the House of Lords in November 2007 and judgment was delivered on 30 January 2008. The judgment is reported as *A v Hoare* [2008] 1 AC 844.
56. The effect of the Hoare judgment on limitation in CSA claims was revolutionary. First, it overruled *Stubbings* and decided that claims based on deliberate assault were not subject to a non-extendable six-year limitation period but were subject to a three-year limitation period that could be extended without limit (under section 33 of the Limitation Act). This had the radical effect of transforming the basis on which the vast majority of CSA claims were advanced. Rather than having to plead and prove systemic negligence in every case (in order to have an extendable limitation period), the effect of *Hoare* was that claimants could now found their claims on vicarious liability for assault, which did not require them to establish defective systems of management. Claimants could now rely upon a form of non-fault liability of an organisation for proven abuse that was inflicted by an employee acting in the course of their employment. The second effect of the *Hoare* judgment was to adopt a different approach to date of knowledge. Its third effect was to add significant guidance on the application of the section 33 discretion in CSA cases.