

# Limitation Bill

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**B I L L**

TO

Make provision about time limits on the making of civil claims; and for connected purposes. A.D. 2001.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

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PART I

THE STANDARD LIMITATION PROVISIONS

*The standard limitation defences*

1.—(1) It is a defence to a civil claim that the claim was not made before the end of the period of three years from the date of knowledge of the claimant. The standard limitation defences.

(2) It is also a defence to a civil claim that the claim was not made before the end of the period of ten years from the starting date in relation to the cause of action on which the claim is founded.

(3) Subsections (1) and (2) are subject to the following provisions of this Act.

(4) In this Act “civil claim” means a claim made in civil proceedings in which the claimant seeks—

- (a) a remedy for a wrong,
- (b) restitution, or
- (c) the enforcement of a right.

(5) The reference in subsection (4) to a claim made in civil proceedings includes a reference to—

- (a) a claim made in the course of such proceedings by way of set-off or counterclaim,
- (b) a claim so made involving the addition or substitution of a new cause of action, and

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(c) a claim so made involving the addition or substitution of a party.

(6) Where a civil claim is founded on more than one cause of action, this Act shall apply as if a separate civil claim were made in respect of each cause of action.

(7) In this Act—

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“civil proceedings” includes any proceedings in a court of law, including an ecclesiastical court,

“claimant” includes a person who makes a claim by way of set-off or counterclaim,

“defendant” includes a person against whom a claim by way of set-off or counterclaim is made.

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*The date of knowledge*

The date of knowledge.

2.—(1) Subject to the following provisions of this section and this Act, any reference in this Act to a person’s date of knowledge is a reference to the date on which he first had knowledge of—

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(a) the facts which give rise to the cause of action,

(b) the identity of the defendant, and

(c) where injury, loss or damage has occurred or a benefit has been obtained, the fact that the injury, loss, damage or benefit is significant.

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(2) Subject to subsections (3) and (4), in determining the date on which a person first had knowledge of the facts which give rise to a cause of action, there shall be disregarded the extent (if any) of his knowledge on any date of whether those facts would or would not, as a matter of law, give rise to a cause of action.

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(3) In the case of a cause of action in respect of a breach of duty (whether in tort, in contract or otherwise) which involves a failure to give correct advice as to the law, subsection (1) shall have effect as if it also required knowledge to be had of the fact that correct advice had not been, or may not have been, given.

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(4) In the case of a cause of action in respect of restitution based on a mistake of law, subsection (1) shall have effect as if it also required knowledge to be had of the fact that a mistake of law had been, or may have been, made.

(5) For the purposes of this section, a person (“A”) shall be regarded as having knowledge of the fact that any injury, loss, damage or benefit is significant—

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(a) if he has knowledge of the full extent of the injury, loss, damage or benefit, or

(b) if a reasonable person with A’s knowledge of the extent of the injury, loss, damage or benefit would think, on the assumption that the defendant did not dispute liability and was able to satisfy a judgment, that a civil claim was worth making in respect of the injury, loss, damage or benefit.

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*The starting date*

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The starting date.

3.—(1) Subject to the following provisions of this section and this Act, any reference in this Act to the starting date is a reference to the date on which the cause of action accrued.

5 (2) Subject to the following provisions of this section and this Act, any reference in this Act to the starting date—

(a) in the case of a cause of action in tort which does not accrue unless injury, loss or damage occurs, or

10 (b) in the case of a cause of action in respect of breach of statutory duty,

is a reference to the date of occurrence of the act or omission which gives rise to the cause of action (whether the cause of action accrues on that date or on a later date).

15 (3) Where two or more acts or omissions give rise to a single cause of action falling within subsection (2)(a) or (b), the starting date shall be determined by reference to the last of those acts or omissions.

(4) Subsections (2) and (3) do not apply to a cause of action in respect of a breach of the duty imposed by section 1 of the Defective Premises Act 1972.

1972 c. 35.

20 *Constructive knowledge etc*

4.—(1) For the purposes of this Act, a person's knowledge includes knowledge which he might reasonably have been expected to acquire—

Constructive knowledge.

(a) from facts observable or ascertainable by him, or

25 (b) where he has acted unreasonably in not seeking appropriate expert advice, from facts ascertainable by him with the help of such advice.

(2) In determining for the purposes of this section—

(a) the knowledge which a person might reasonably have been expected to acquire, or

30 (b) whether a person has acted unreasonably in not seeking appropriate expert advice,

his circumstances and abilities (so far as relevant) shall be taken into account.

35 (3) For the purposes of this Act, a person shall be treated as having knowledge of a fact if an agent of his—

(a) who is under a duty to communicate that fact to him, or

(b) who has authority to take decisions about the cause of action concerned,

40 has actual knowledge of that fact; but except as so provided a person shall not be treated as having knowledge of a fact merely because an agent of his has knowledge of the fact.

(4) For the purposes of this section, a person has authority to take decisions about a cause of action if he has authority—

45 (a) to seek legal advice in connection with the making of a civil claim in respect of the cause of action, or

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(b) to take decisions about whether to make such a claim.

Corporate  
knowledge etc.

**5.**—(1) For the purposes of this Act, a relevant body shall be treated as having knowledge of a fact—

- (a) if a qualifying individual has knowledge of that fact, or
- (b) if the relevant body is treated as having knowledge of that fact by virtue of section 4(3). 5

(2) In this section “relevant body” means—

- (a) a body corporate,
- (b) a corporation sole,
- (c) a partnership, or 10
- (d) a body of persons which does not fall within paragraph (a) or (c) but which is capable of suing and being sued in its own name.

(3) In this section “qualifying individual”, in relation to a relevant body, means an individual—

- (a) who is an officer of the body or has authority on behalf of the body to take decisions about the cause of action concerned (or is one of a number of individuals who together have such authority), or 15
- (b) who is an employee of the body and is under a duty to communicate any fact relevant to the cause of action concerned to any other employee of the body or to an individual falling within paragraph (a), 20

but does not include an individual falling within subsection (4).

(4) An individual falls within this subsection if he is an individual—

- (a) against whom the cause of action concerned subsists, or 25
- (b) who has dishonestly concealed any fact relevant to the cause of action concerned from any other individual falling within subsection (3)(a) or (b).

(5) Sections 4(4) and 26(6) shall apply for the purposes of this section as they apply for the purposes of those sections. 30

(6) In this section “officer” includes a partner.

*Application of s. 1(1) to particular cases*

Joint claims.

**6.**—(1) Subject to the following provisions of this section, where a cause of action is vested in two or more persons jointly or jointly and severally, section 1(1) shall apply separately in relation to each of them. 35

(2) Where, by virtue of subsection (1), the defence under section 1(1) is available against one or more, but not all, of the persons mentioned in that subsection, it may not be raised against the other or others.

(3) Subsection (1) does not apply to—

- (a) a cause of action vested in a partnership, or 40
- (b) a cause of action vested in trustees or personal representatives.

(4) Where a cause of action is vested in trustees or personal representatives, the date of knowledge of the trustees or personal

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representatives shall be treated as falling on the same date as the earliest date of knowledge of any person who was a trustee or personal representative on that date.

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5 7.—(1) This section applies where a civil claim in respect of a cause of action is made by a person to whom the cause of action has been assigned (“the assignee”).

Assignment.

10 (2) It is a defence to a civil claim in respect of the cause of action made by the assignee that the assignment was made after the end of the limitation period under section 1(1) which would have applied to a civil claim in respect of the cause of action made by any person in whom the cause of action was vested before him.

15 (3) If the assignment was made after the limitation period mentioned in subsection (2) has begun to run but before it has ended, that limitation period shall apply to a civil claim in respect of the cause of action made by the assignee.

(4) If the assignment was made before the limitation period mentioned in subsection (2) has begun to run, the limitation period under section 1(1) which is to apply to a civil claim in respect of the cause of action made by the assignee shall be treated as running from the later of—

- 20 (a) the date of the assignment, and  
(b) the date of knowledge of the assignee.

(5) For the purposes of this section, a cause of action is assigned by a person if he enters into any transaction the effect of which is to assign his right to make a civil claim in respect of the cause of action.

25 (6) In determining for the purposes of subsection (2) whether the limitation period under section 1(1) would have applied to a civil claim made by a person, his date of knowledge shall be disregarded if it falls after the cause of action ceased to be vested in him.

PART II

30 MODIFICATIONS OF THE STANDARD LIMITATION PROVISIONS FOR PARTICULAR CLAIMS ETC

*Consumer protection*

35 8.—(1) Section 1(2) does not apply to a civil claim under any provision of Part I of the Consumer Protection Act 1987 (“the 1987 Act”).

Claims under Part I of the Consumer Protection Act 1987.

(2) A civil claim under any provision of Part I of the 1987 Act may not be made after the end of the period of ten years from the relevant time, within the meaning of section 4 of that Act.

1976 c. 30.

40 (3) Subsection (2) operates to extinguish any right to make the civil claim and does so—

- (a) whether or not that right has accrued, and  
(b) whether or not time under any other limitation period under this Act applicable to the claim has begun to run at the end of that ten year period.

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PART II	(4) Nothing in the following provisions of this Act— (a) shall operate to override or extend the limitation period under subsection (2), or (b) shall affect the operation of subsection (3).	
	<i>Personal injury claims, claims for the benefit of an estate and claims under the Fatal Accidents Act 1976</i>	5
Disapplication of section 1(2).  1934 c.41.  1976 c. 30.	<b>9.</b> Section 1(2) does not apply to— (a) a civil claim if and to the extent that the remedy sought by the claimant is damages in respect of personal injury to him, (b) a civil claim made by virtue of section 1 of the Law Reform (Miscellaneous Provisions) Act 1934 if and to the extent that the remedy sought by the claimant is damages in respect of personal injury to the deceased, or (c) a civil claim under the Fatal Accidents Act 1976.	10
Application of section 1(1) to claims for the benefit of an estate.	<b>10.</b> —(1) This section applies where a civil claim in respect of a cause of action is made by virtue of section 1 of the Law Reform (Miscellaneous Provisions) Act 1934 (“the 1934 Act claim”). (2) It is a defence to the 1934 Act claim that the deceased died after the end of the limitation period under section 1(1) which would have applied to a civil claim in respect of the cause of action made by him. (3) If the deceased died before the end of the limitation period mentioned in subsection (2), the limitation period under section 1(1) which is to apply to the 1934 Act claim shall be treated as running from the later of— (a) the date of the deceased’s death, and (b) the date of knowledge of the deceased’s personal representatives.	15 20 25
Claims under the Fatal Accidents Act 1976: further provision.	<b>11.</b> —(1) It is a defence to a civil claim under the Fatal Accidents Act 1976 (“the 1976 Act”) that the person injured died when he could no longer maintain a civil claim for damages in respect of the injury. (2) In relation to a civil claim under the 1976 Act— (a) the limitation period under section 1(1) shall be treated as running from the date of knowledge of the person for whose benefit the claim is made, and (b) where there are two or more persons for whose benefit the claim is made, section 1(1) shall apply separately in relation to each of them. (3) Where, by virtue of subsection (2)(b), the defence under section 1(1) is available against one or more, but not all, of the persons mentioned in subsection (2)(b), it may not be raised against the other or others. (4) For the purposes of this section, the person injured shall be treated as having died when he could no longer maintain a civil claim for damages in respect of the injury if at the time of his death— (a) a defence under this Act, or under any other enactment limiting the time within which proceedings may be taken, could have been raised in respect of such a claim, or	30 35 40 45

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(b) he could no longer maintain such a claim for any other reason.

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(5) In determining for the purposes of this section whether the person injured died when he could no longer maintain a civil claim for damages in respect of the injury, no account shall be taken of the possibility of any defence under this Act which could have been raised in respect of such a claim being disapplied under section 12.

*Court's discretionary power*

**12.**—(1) This section applies where a defence under this Act is raised in respect of—

Court's discretionary power in certain cases.  
1976 c. 30.

- 10 (a) a personal injury claim, or  
(b) a civil claim under the Fatal Accidents Act 1976 (“the 1976 Act”).

(2) The court may direct that the defence shall not apply in relation to the claim if it is satisfied, having regard to—

- 15 (a) any hardship which would be caused to the defendant (or any person whom he represents) if such a direction were given, and  
(b) any hardship which would be caused to the claimant (or any person whom he represents) if such a direction were not given,  
that it would unjust not to give such a direction.

20 (3) In acting under this section the court must take into account—

- (a) the length of, and reasons for, the delay on the part of the claimant,  
(b) the effect of the passage of time on the ability of the defendant to defend the claim,  
25 (c) the effect of the passage of time on the cogency of any evidence adduced or likely to be adduced by the claimant or defendant,  
(d) the conduct of the defendant after the cause of action arose, including the extent (if any) to which he responded to requests reasonably made by the claimant for information or inspection for the purpose of discovering facts which were or might be relevant to the claim,  
30 (e) the extent to which the claimant acted promptly and reasonably once he knew that he might be entitled to make the claim,  
(f) the steps, if any, taken by the claimant to obtain medical, legal or other expert advice and the nature of any expert advice he may have received,  
35 (g) any alternative remedy or compensation available to the claimant,  
(h) the strength of the claimant's case, and  
(i) any other relevant circumstances.

40 (4) In relation to a personal injury claim falling within subsection (8)(b), any reference in subsection (3)(a) or (d) to (f) to the claimant includes a reference to the deceased.

45 (5) In relation to a civil claim under the 1976 Act, any reference in subsection (3)(a) or (d) to (f) to the claimant includes a reference to the deceased; and subsection (3) shall have effect with such modifications as may be appropriate in consequence of this subsection.

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(6) Where a civil claim under the 1976 Act is made by personal representatives, any reference in subsection (3) to the claimant includes a reference to the person for whose benefit the claim is made.

(7) Where the court gives a direction under this section disapplying the defence under 11(1), the person injured shall be treated for the purposes of section 1(1) of the 1976 Act as if he had died when he could have maintained an action for damages in respect of the injury. 5

(8) In this section “personal injury claim” means—

(a) a civil claim if and to the extent that the remedy sought by the claimant is damages in respect of personal injury to him, 10

1934 c.41.

(b) a civil claim made by virtue of section 1 of the Law Reform (Miscellaneous Provisions) Act 1934 if and to the extent that the remedy sought by the claimant is damages in respect of personal injury to the deceased.

*Claims for a contribution*

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Claims for a contribution.  
1978 c. 47.

**13.**—(1) The starting date in relation to a cause of action under section 1 of the Civil Liability (Contribution) Act 1978 to recover contribution in respect of any damage from any person shall be determined in accordance with this section.

(2) If the person concerned is held liable in respect of the damage— 20

(a) by a judgment given in any civil proceedings, or

(b) by an award made on any arbitration,

the starting date shall be the date on which the judgment is given or, as the case may be, the date of the award.

(3) For the purposes of subsection (2) no account shall be taken of any judgment or award given or made on appeal in so far as it varies the amount of damages awarded against the person concerned. 25

(4) If, in a case not falling within subsection (2), the person concerned makes or agrees to make any payment to a person in compensation for that damage (whether he admits any liability in respect of the damage or not), the starting date shall be the earliest date on which the amount paid or to be paid by him is agreed between him (or his representative) and that person. 30

*Conversion*

Conversion.

**14.**—(1) Where— 35

(a) a cause of action has accrued to a person in respect of a conversion of goods which was not a theft from that person, and

(b) before that person recovers possession of the goods, a further conversion takes place,

the starting date in relation to the further conversion shall be treated as falling on the date on which the original conversion took place. 40

(2) Where a cause of action has accrued to a person in respect of a conversion of goods which was a theft from that person—

(a) section 2(1) shall have effect in relation to the theft, and any conversion related to the theft, as if it also required knowledge to be had of the location of the goods, and 45

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(b) subject to subsection (3), section 1(2) shall not apply to the theft or any conversion related to the theft.

(3) Section 1(2) shall apply to—

5 (a) the first conversion related to the theft which involves a person purchasing the goods in good faith, and

(b) any subsequent conversion related to the theft;

and the starting date in relation to any conversion falling within paragraph (a) or (b) shall be treated as falling on the date on which the goods are purchased by the person mentioned in paragraph (a).

10 (4) Where—

(a) a cause of action in respect of the conversion of goods has accrued to a person,

15 (b) the limitation period under section 1(2) (if any) which applies to that or any further conversion has ended before a civil claim is made in respect of that or any further conversion, and

(c) that person has not recovered possession of the goods before the end of that period,

the title of that person to the goods shall be extinguished.

20 (5) A conversion of goods shall be treated for the purposes of this section as related to a theft of those goods if it occurs after the theft but before the person from whom they were stolen recovers possession of the goods.

(6) In this section—

25 “goods” includes all chattels personal other than things in action and money,

“theft” includes—

(a) any conduct outside England and Wales which would be theft if committed in England and Wales, and

30 (b) obtaining any goods (in England and Wales or elsewhere) in the circumstances described in section 15(1) of the Theft Act 1968 (obtaining by deception) or by blackmail within the meaning of section 21 of that Act.

1968 c. 60.

*Mortgages*

35 **15.**—(1) This Act does not apply to a civil claim to redeem a mortgage. Mortgages.

(2) Section 1(1) does not apply to—

(a) a civil claim for a remedy under a mortgage of land, or

(b) a civil claim which does not fall within paragraph (a) but which is a claim to enforce an obligation secured by a mortgage of land.

40 (3) Where any limitation period under this Act which applies to a civil claim by a mortgagee in respect of a mortgage would, apart from this subsection, end—

(a) during any period in which a prior mortgagee is in possession of the property subject to the mortgage, or

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(b) during the period of one year beginning with the date on which the prior mortgagee ceases to be in possession of the property, it shall instead be treated as ending at the end of the period mentioned in paragraph (b).

(4) No limitation period under this Act which applies to a civil claim by a mortgagee in respect of a mortgage shall run during any period in which the property subject to the mortgage consists of or includes any future interest or any life policy which has not matured or been determined. 5

(5) No limitation period under this Act which applies to a civil claim to foreclose a mortgage shall run during any period in which the mortgagee is in possession of the property subject to the mortgage. 10

(6) Where the limitation period under section 1(2) which would apply to a civil claim by a mortgagee in respect of a mortgage has ended before any such claim is made, the interest of the mortgagee in the property which is subject to the mortgage shall be extinguished. 15

(7) Any reference in this section to a civil claim by a mortgagee in respect of a mortgage is a reference to—

(a) a civil claim by a mortgagee for a remedy under the mortgage, or

(b) a civil claim by a mortgagee which does not fall within paragraph (a) but which is a claim to enforce an obligation secured by the mortgage. 20

(8) Any reference in this section to a mortgage includes a reference to a charge, and any reference to a mortgagee shall be construed accordingly.

(9) Any reference in this section to a mortgage of land includes a reference to a mortgage of land and other property. 25

## *Land*

Recovery of land.

**16.**—(1) Subsections (1) and (2) of section 1 do not apply to a civil claim to recover land.

(2) Subject to the following provisions of this section, a civil claim to recover land may not be made by a person after the end of the period of ten years from the earlier of— 30

(a) the date on which the right of action to recover the land first accrued to him, and

(b) if it first accrued to some person through whom he claims, the date on which it first accrued to that person. 35

(3) In its application to a civil claim by the Crown to recover foreshore, subsection (2) shall have effect as if the period referred to in it were sixty years not ten years.

(4) Where any right of action to recover land which has ceased to be foreshore accrued to the Crown when the land was foreshore, a civil claim by the Crown to recover the land may not be made after the end of the period of— 40

(a) sixty years from the date of accrual of the right of action, or

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(b) ten years from the date on which the land ceased to be foreshore, whichever period ends first.

(5) No civil claim may be made to recover any estate or interest in land under an assurance taking effect after the right of action to recover the land had accrued to—

- (a) the person by whom the assurance was made,
- (b) some person through whom he claimed, or
- (c) some person entitled to a preceding estate or interest,

unless the claim is made within the period in which the person by whom the assurance was made could have made such a claim.

(6) Where—

(a) any person is entitled to any estate or interest in land in possession and, while so entitled, is also entitled to any future estate or interest in that land, and

(b) his right of action to recover the estate or interest in possession is barred by this Act,

no civil claim may be made by that person, or by any person claiming through him, in respect of the future estate or interest, unless in the meantime possession of the land has been recovered by a person entitled to an intermediate estate or interest in the land.

(7) In this section “foreshore” means the shore and bed of the sea and of any tidal water, below the line of the medium high tide between the spring tides and the neap tides.

**17.**—(1) Schedule 1 (which contains provisions for determining the date of accrual of rights of action to recover land) has effect.

Recovery of land; supplementary.

(2) The provisions of this Act relating to civil claims to recover land shall apply to equitable interests in land as they apply to legal estates in land.

(3) Accordingly a right of action to recover land shall be treated for the purposes of this Act as accruing to a person entitled in possession to an equitable interest in the land in the like manner and circumstances, and on the same date, as it would accrue if his interest were a legal estate in the land (and any relevant provision of Schedule 1 shall apply in any such case accordingly).

(4) For the purposes of the provisions of this Act relating to civil claims to recover land, an administrator of the estate of a deceased person shall be treated as claiming as if there had been no interval of time between the death of the deceased person and the grant of the letters of administration.

(5) Where land is vested in the incumbent from time to time of a benefice as a spiritual corporation sole but the benefice is vacant, a civil claim to recover the land (or any part of it) may be made in the name of and on behalf of the corporation sole by the priest in charge of the benefice or the sequestrators of the benefice.

**18.**—(1) Subject to section 75 of the Land Registration Act 1925 and the following provisions of this section, where a civil claim to recover land is not made by a person before the end of the limitation period under

Extinction of title to land  
1925 c. 21.

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PART II section 16 which would apply to the claim, the title of that person to the land shall be extinguished.

(2) Where the limitation period under section 16 has expired for the making of a civil claim to recover land by a tenant for life or a statutory owner of settled land—

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(a) his legal estate shall not be extinguished if and so long as the right of action to recover the land of any person entitled to a beneficial interest in the land either has not accrued or has not been barred by this Act, and

1925 c. 18.

(b) the legal estate shall accordingly remain vested in the tenant for life or statutory owner and shall devolve in accordance with the Settled Land Act 1925;

but if and when every such right of action has been barred by this Act, his legal estate shall be extinguished.

(3) Where any land is held upon trust and the limitation period under section 16 has expired for the making of a civil claim to recover the land by the trustees, the estate of the trustees shall not be extinguished if and so long as the right of action to recover the land of any person entitled to a beneficial interest in the land either has not accrued or has not been barred by this Act; but if and when every such right has been so barred the estate of the trustees shall be extinguished.

(4) Where—

(a) any settled land is vested in a statutory owner, or

(b) any land is held upon trust,

a civil claim to recover the land may be made by the statutory owner or trustees on behalf of any person entitled to a beneficial interest in possession in the land whose right of action to recover the land has not been barred by this Act, notwithstanding that the right of action to recover the land of the statutory owner or trustees would apart from this subsection have been barred by this Act.

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Recovery of proceeds of the sale of land.

**19.** Section 1(1) does not apply to a civil claim to recover proceeds of the sale of land.

Certain claims for compensation or indemnity.  
1925 c. 21.  
1969 c. 59.

**20.**—(1) Section 1(2) does not apply to—

(a) a civil claim for indemnity under the Land Registration Act 1925,

(b) a civil claim to recover compensation under section 25 of the Law of Property Act 1969, or

(c) a civil claim to recover compensation under section 10 of the Local Land Charges Act 1975.

1975 c. 76.

(2) For the purposes of this Act, a person's date of knowledge in the case of a cause of action to recover compensation under section 10 of the Local Land Charges Act 1975 shall be determined without regard to the provisions of section 198 of the Law of Property Act 1925 (under which registration under certain enactments is deemed to constitute actual notice).

1925 c. 20.

*Limitation*

21.—(1) Subsection (2) applies where—

- 5 (a) a person entitled in remainder to an entailed interest in any land makes an assurance of his interest which fails to bar the issue in tail or the estates and interests taking effect on the determination of the entailed interest, or fails to bar those estates and interests only, and
- (b) any person takes possession of the land by virtue of the assurance.

10 (2) If the person taking possession of the land by virtue of the assurance, or any other person whatsoever (other than a person entitled to possession by virtue of the settlement), is in possession of the land for a period of ten years from the commencement of the time when the assurance could have operated as an effective bar, the assurance shall thereupon operate, and be treated as having always operated, to bar the  
15 issue in tail and the estates and interests taking effect on the determination of the entailed interest.

(3) The reference in subsection (2) to the time when the assurance could have operated as an effective bar is a reference to the time at which the assurance, if it had then been executed by the person entitled to the  
20 entailed interest, would have operated, without the consent of any other person, to bar the issue in tail and the estates and interests taking effect on the determination of the entailed interest.

(4) Where—

- 25 (a) a right of action to recover land has accrued to a person entitled to an estate or interest taking effect on the determination of an entailed interest,
- (b) time is running against that person under subsection (2), and
- (c) the person in possession of the land acknowledges the title of that person,
- 30 subsection (2) shall cease to apply to the land on the date of the acknowledgment.

*Trusts and charities*

22.—(1) No limitation period under this Act which applies to a civil claim by a beneficiary to recover trust property or the proceeds of trust  
35 property shall run against him during any period in which he is entitled to a future interest in the trust property.

(2) A cause of action to recover property held on a bare trust shall not accrue unless and until the trustee acts in breach of trust.

40 (3) This Act does not apply to a civil claim made by the Attorney General or the Charity Commissioners for England and Wales with respect to a charity or the property or affairs of a charity.

45 (4) A beneficiary under a trust as against whom a defence under this Act could have been raised may not derive any greater or other benefit from a judgment or order obtained by any other beneficiary under the trust than he could have obtained if he had made the civil claim and a defence under this Act had been raised.

PART II  
Cure of defective  
disentailing  
assurance.

Trusts and  
charities.

*Limitation*

PART II  
1993 c. 10.

(5) In this section “charity” has the same meaning as in the Charities Act 1993.

*Insolvency and bankruptcy*

Insolvency and  
bankruptcy.

**23.** Schedule 2 (which makes provision as to the application of section 1(1) in the case of insolvency and bankruptcy) has effect.

5

*Derivative claims*

Derivative  
claims.

**24.**—(1) Where—

(a) a cause of action is vested in a body corporate or trade union, and

(b) a civil claim in respect of the cause of action is made on behalf of the body corporate or trade union by a member of it,

10

the limitation period under section 1(1) which is to apply to the claim shall be treated as running from the date of knowledge of the member.

(2) Where a civil claim falling within subsection (1) is made by two or more members, section 1(1) shall apply separately in relation to each of them.

15

(3) Where, by virtue of subsection (2), the defence under section 1(1) is available against one or more, but not all, of the persons mentioned in that subsection, it may not be raised against the other or others.

*Certain new claims*

Certain new  
claims.

**25.**—(1) Where—

20

(a) a civil claim is made in the course of any civil proceedings,

(b) the claim is by way of set-off or counterclaim by a party who has not previously made any claim in the proceedings, and

(c) if the claim had been made when the proceedings were commenced, it would not have been made after the end of any applicable limitation period under this Act,

25

no defence under this Act may be raised in respect of the claim.

(2) Where—

(a) a civil claim (“the new claim”) is made in the course of any civil proceedings,

30

(b) the new claim involves the addition or substitution of a new cause of action,

(c) the new claim arises out of the same conduct, transaction or events as are already in issue in a civil claim previously made in the proceedings (“the existing claim”), and

35

(d) the existing claim was not made after the end of any applicable limitation period under this Act or any other enactment,

no defence under this Act may be raised in respect of the new claim.

(3) Where—

(a) a civil claim (“the new claim”) is made in the course of any civil proceedings,

40

(b) the new claim involves the addition or substitution of a new party,

*Limitation*

PART II

(c) the addition or substitution is necessary for the determination of a civil claim previously made in the proceedings (“the existing claim”), and

5 (d) the existing claim was not made after the end of any applicable limitation period under this Act or any other enactment,

no defence under this Act may be raised in respect of the new claim.

(4) The addition or substitution of a new party is not necessary for the determination of a civil claim previously made in civil proceedings unless—

10 (a) the new party is substituted for a party whose name was given in that claim in mistake for the new party’s name, or

(b) that claim cannot be maintained by or against an existing party unless the new party is joined or substituted as a party to that claim.

15 (5) Rules of court may make provision which allows a party to a civil claim to claim relief in a new capacity in respect of a new cause of action notwithstanding that he had no title to make that claim at the time when the claim was made.

20 (6) Subsection (5) shall not affect the power of rules of court to make provision which allows a party to a civil claim to claim relief in a new capacity without adding or substituting a new cause of action.

PART III

GENERAL MODIFICATIONS OF THE STANDARD LIMITATION PROVISIONS ETC

*Concealment*

25 **26.**—(1) This section applies where a person (“A”) against whom a cause of action subsists (or an agent of his) has dishonestly concealed from a person (“B”) in whom the cause of action is vested (or an agent of his) any fact relevant to the cause of action.

Concealment.

30 (2) In its application to a civil claim in respect of the cause of action made by B, or any person claiming through him, against A, or any person claiming through him, the limitation period under section 1(2) or 16 shall not run during the period beginning with the date on which the fact was first dishonestly concealed and ending with the earliest date on which B, or any person claiming through him, first had knowledge of the fact.

35 (3) In the case of the fresh cause of action which accrues by virtue of section 3(1) of the Latent Damage Act 1986 (accrual of cause of action to successive owners in respect of latent damage to property), a fact dishonestly concealed from the person in whom the original cause of action mentioned in that section was vested (or an agent of his) shall be  
40 treated for the purposes of subsection (1) as dishonestly concealed from the person in whom the fresh cause of action is vested.

1986 c. 37.

(4) Where the starting date in relation to a cause of action falling within section 3(2)(a) or (b) falls before the date of accrual of the cause of action, the cause of action shall be treated for the purposes of subsection

45 (1) as subsisting against A, and vested in B, from the starting date.

*Limitation*

PART III

(5) Nothing in this section enables a civil claim—

- (a) to recover, or recover the value of, any property, or
- (b) to enforce any charge against, or set aside any transaction affecting, property,

to be made against the purchaser (or any person claiming through him) in any case where the property has been purchased for valuable consideration by an innocent third party since the concealment took place. 5

(6) A person shall not be treated for the purposes of this section as concealing a fact from another person unless— 10

- (a) he is a party to, or is privy to, any action the effect of which is to prevent that other person from discovering the fact for some time, or
- (b) he fails to disclose the fact to that other person in breach of a duty to do so. 15

(7) The provisions of Part I of this Act which apply for determining the date on which a person first had knowledge of a fact shall also apply for the purposes of subsection (2).

(8) For the purposes of subsection (2), knowledge acquired by a person after a cause of action ceased to be vested in him shall be disregarded. 20

(9) A purchaser is an innocent third party for the purposes of this section if he was not a party to the concealment and did not at the time of the purchase have reason to believe that the concealment had taken place.

*Acknowledgments and part payments*

Acknowledgments and part payments.

**27.**—(1) Subject to the following provisions of this section, where— 25

- (a) a person (“A”) against whom a cause of action subsists has acknowledged the cause of action or made a payment in respect of it,
- (b) the acknowledgment or payment was made to a person (“B”) in whom the cause of action is vested, and 30
- (c) the acknowledgment or payment was made before any limitation period under this Act which would apply to a civil claim in respect of the cause of action made by B (or any successor of his) against A (or any successor of his) has ended,

any such limitation period which has begun to run before the date on which the acknowledgment or payment was made shall instead be treated as running from that date. 35

(2) Subject to subsections (4) and (5), where—

- (a) a cause of action subsists against two or more persons jointly or jointly and severally, and 40
- (b) an acknowledgment or payment under this section is made by one or more, but not all, of those persons,

this section shall not operate to extend any limitation period under this Act which applies to any such person who does not make the acknowledgment or payment (or any successor of his). 45

*Limitation*

PART III

(3) Subject to subsection (4), where—

(a) a cause of action is vested in two or more persons jointly or jointly and severally, and

5 (b) an acknowledgment or payment under this section is made to one or more, but not all, of those persons,

this section shall not operate to extend any limitation period under this Act which applies to any such person to whom the acknowledgment or payment is not made (or any successor of his).

(4) Where—

10 (a) a cause of action subsists against or is vested in, trustees or personal representatives, and

(b) an acknowledgment or payment under this section is made by or (as the case may be) to one or more, but not all, of the trustees or personal representatives,

15 the acknowledgment or payment shall bind or (as the case may be) be treated as made to all of the trustees or personal representatives.

(5) An acknowledgment or payment under this section in respect of the title to any land, benefice or mortgaged personal property by any person in possession of it shall bind all of the persons in possession of it during  
20 the ensuing limitation period.

(6) Where this section extends the limitation period under section 1(2) which applies to a civil claim in respect of the original cause of action mentioned in section 3 of the Latent Damage Act 1986 (accrual of cause of action to successive owners in respect of latent damage to property), it  
25 shall also extend the limitation period under section 1(2) which applies to a civil claim in respect of the fresh cause of action which accrues by virtue of that section.

1986 c. 37.

(7) Where the starting date in relation to a cause of action falling within section 3(2)(a) or (b) falls before the date of accrual of the cause of  
30 action, the cause of action shall be treated for the purposes of subsection (1) as subsisting against A, and vested in B, from the starting date; and subsection (2) to (4) and (11) and (12) shall be construed accordingly.

(8) To be effective for the purposes of this section an acknowledgment must be in writing.

35 (9) For the purposes of this section an acknowledgment or payment made by or to an agent of a person shall be treated as made by or to that person.

(10) A limitation period which has been extended under this section may be further extended under this section by further acknowledgments  
40 or payments.

(11) For the purposes of this section, a person acknowledges a cause of action if—

(a) he acknowledges liability in respect of the cause of action, or

45 (b) he acknowledges any right or title upon which the cause of action is based.

(12) For the purposes of this section, a person makes a payment in

*Limitation*

PART III      respect of a cause of action if he makes a payment the effect of which is to—

- (a) acknowledge liability in respect of the cause of action, or
- (b) acknowledge any right or title upon which the cause of action is based.

5

(13) Where there is a payment of a part of the rent or interest due at any time, this section shall not operate to extend any limitation period under this Act which applies to a civil claim to recover the remainder then due.

(14) Any payment of interest shall be treated for the purposes of this section as a payment in respect of a cause of action to recover the principal debt.

*Special parties*

Children.

**28.** Where a cause of action is vested in a person who was under the age of 18 on the starting date in relation to the cause of action, any limitation period under this Act which would apply to a civil claim in respect of the cause of action made by him shall be treated as ending—

- (a) at the end of the period of three years from the date on which he attains the age of 18, or
- (b) at the end of the period when the limitation period would otherwise end,

whichever is the later.

Persons under a disability.

**29.—**(1) This section applies where a cause of action has accrued to a person (“the relevant person”) who is under a disability at any time after the date of accrual of the cause of action.

25

(2) Subject to the following provisions of this section, the limitation period under section 1(1), so far as applicable to a civil claim in respect of the cause of action made by the relevant person, shall not run during any period in which he is under a disability.

(3) Subsections (4) and (5) apply where—

30

- (a) the remedy sought by the relevant person in the civil claim mentioned in subsection (2) is damages in respect of personal injury to him,
- (b) the relevant person is under a disability at the end of the period of ten years from the later of the date of accrual of the cause of action and the date of the onset of disability (“the ten year period”),
- (c) there is a person (“the responsible person”) who has responsibility for the relevant person at the end of the ten year period,
- (d) the responsible person is not the defendant to the claim, and
- (e) whether by virtue of subsection (2) or otherwise, the limitation period under section 1(1) has not ended by the end of the ten year period.

40

*Limitation*

PART III

(4) Subsection (2) shall not apply after the end of the ten year period.

(5) The limitation period under section 1(1) shall instead be treated as running from the earlier of the following dates—

- (a) the date of knowledge of the responsible person,
- 5 (b) the date of knowledge of any person who subsequently has responsibility for the relevant person, and
- (c) if the relevant person ceases to be under a disability after the end of the ten year period, the date of knowledge of the relevant person;

10 but if any such date of knowledge falls before the end of the ten year period, it shall be treated for the purposes of this subsection as falling on the date immediately following the end of the ten year period.

(6) A person is under a disability for the purposes of this section if—

- 15 (a) he is unable by reason of mental disability to make decisions on matters relating to the cause of action concerned, or
- (b) he is unable to communicate such decisions because of mental disability or physical impairment.

20 (7) In subsection (6) “mental disability” means a disability or disorder of the mind or brain, whether permanent or temporary, which results in an impairment or disturbance of mental functioning.

(8) For the purposes of this section a person has responsibility for the relevant person if—

- 25 (a) he is a member of the relevant person’s family who has attained the age of 18 and is responsible for the day to day care of the relevant person, or
- (b) he is a person who is authorised under Part VII of the Mental Health Act 1983 to conduct proceedings in the name of the relevant person.

1981 c. 20.

*Restrictions on making claims*

30 **30.**—(1) No limitation period under this Act which applies to a civil claim made by a person shall run against that person during any period after the accrual of the cause of action in which he is prevented by any enactment (other than this Act) or any rule of law from making the claim.

Restrictions on making claims.

35 (2) A person shall not be regarded for the purposes of this section as prevented from making a claim—

- (a) where the claim could have been made on his behalf by a litigation friend,
- (b) where he is prevented from making the claim by reason only of a contractual term, or
- 40 (c) if leave is required to make the claim, unless and until he has taken all reasonable steps to obtain that leave.

*Limitation*

PART IV

MISCELLANEOUS AND SUPPLEMENTAL

*Miscellaneous*

Agreements.

**31.**—(1) Subject to the following provisions of this section, nothing in this Act prevents the making of an agreement the terms of which— 5

- (a) modify or disapply any of the provisions of this Act, or
- (b) make provision in place of any of the provisions of this Act.

(2) An agreement is unenforceable if and to the extent that its terms—

- (a) modify or disapply, or make provision in place of, section 8 or this section, 10

- (b) in the case of the limitation period under section 1(2) or an agreed limitation period to which subsection (5) applies, reduces the protection given to a claimant by section 26,

- (c) reduces the protection given to a claimant by section 28, or

- (d) in the case of the limitation period under section 1(1) or an agreed limitation period to which subsection (4) applies, reduces the protection given to a claimant by section 29. 15

1977 c. 50.  
S.I. 1999/2083.

(3) Where neither the Unfair Contract Terms Act 1977 nor the Unfair Terms in Consumer Contracts Regulations 1999 apply to any terms of an agreement falling within subsection (1)(a) or (b), those terms shall be of no effect except in so far as they satisfy the requirement of reasonableness as stated in section 11(1) of the Unfair Contract Terms Act 1977; but this subsection shall not apply to an agreement to compromise or settle litigation. 20

(4) Subject to subsection (7) and the terms of any agreement, the provisions of this Act shall apply to an agreed limitation period which runs from a date determined by reference to a person's actual or constructive knowledge as they apply to the limitation period under section 1(1); and any reference in any provision of this Act (other than this section) to a limitation period or defence— 25 30

- (a) under section 1(1), or

- (b) under this Act,

shall be construed accordingly.

(5) Subject to the terms of any agreement, the provisions of this Act shall apply to an agreed limitation period which runs from a date determined otherwise than by reference to a person's actual or constructive knowledge as they apply to the limitation period under section 1(2); and any reference in any provision of this Act (other than this section) to a limitation period or defence— 35 40

- (a) under section 1(2), or

- (b) under this Act,

shall be construed accordingly.

(6) Subject to subsection (7), section 29(1) and (2) shall apply to an agreed limitation period to which subsection (5) applies as if the reference in section 29(2) to the limitation period under section 1(1) were a reference to the agreed limitation period. 45

*Limitation*

PART IV

(7) Section 29 (whether it applies by virtue of subsection (4) or subsection (6)) shall not operate to extend an agreed limitation period beyond the period of ten years from the starting date in relation to the cause of action.

5 (8) Any reference in this section to an agreed limitation period is a reference to a limitation period for which provision is made by the terms of any agreement (whether those terms modify any limitation period under this Act or provide for a limitation period in place of any limitation period under this Act).

10 **32.**—(1) A cause of action to recover the debt under a qualifying loan shall not accrue unless and until a demand in writing for repayment of the debt is made by or on behalf of the creditor (or, where there are joint creditors, by or on behalf of any one or more of them). Claims in respect of certain loans.

(2) In this section “qualifying loan” means a contract of loan which—

15 (a) does not provide for repayment of the debt on or before a fixed or determinable date, and

(b) does not effectively (whether or not it purports to do so) make the obligation to repay the debt conditional on a demand for repayment made by or on behalf of the creditor or on any other matter,

20 but a contract of loan is not a qualifying loan if, in connection with taking the loan, the debtor enters into a collateral obligation to pay the amount of the debt or any part of it (as, for example, by delivering a promissory note as security for the debt) on terms which do not satisfy both of the conditions in paragraphs (a) and (b).

**33.**—(1) This Act does not apply to civil proceedings which are business of a description which in the High Court is for the time being assigned to the Family Division and to no other Division by or under section 61 of, and Schedule 1 to, the Supreme Court Act 1981. Family proceedings.  
1981 c. 54.

30 (2) Subsection (1) applies whether or not the civil proceedings there mentioned are commenced in the High Court.

**34.**—(1) This Act does not apply to a civil claim for the specific performance of a contract to grant or transfer an interest in property if the claimant— Equitable jurisdiction and remedies.

35 (a) has acquired an interest in the property by virtue of the contract, and

(b) is in possession of the property.

(2) Nothing in this Act affects any equitable jurisdiction to refuse relief on the ground of delay, acquiescence or otherwise.

40 **35.**—(1) This Act binds the Crown. Crown application.

(2) This Act does not apply to any civil claim by the Crown for the recovery of any tax or duty or interest on any tax or duty.

*Limitation*

PART IV

(3) For the purposes of this Act, a civil claim by petition of right shall be treated as made on the date on which the petition is presented.

Saving for other limitation enactments.

**36.** Except as provided by Schedules 3 and 4, this Act does not apply—

- (a) to any civil claim for which a limitation period is provided by any other enactment (whenever passed or made), or
- (b) to any civil claim to which the Crown is a party and for which, if it were between subjects, a limitation period would be provided by any such other enactment.

Burden of proof.

**37.**—(1) Where a defence to a civil claim is raised under section 1(1), 7(2) or 10(2) or paragraph 6(2) of Schedule 2, it is for the claimant to prove that the claim was made before the end of the limitation period applicable to that defence.

(2) Where a defence to a civil claim is raised under any other provision of this Act, it is for the defendant to prove that the claim was not made before the end of the limitation period applicable to that defence.

*Supplemental*

Interpretation.

**38.**—(1) In this Act—

“civil claim” shall be construed in accordance with section 1(4) to (6),

“civil proceedings” shall be construed in accordance with section 1(7),

“claimant” shall be construed in accordance with section 1(7),

“date of knowledge” shall be construed in accordance with sections 2, 6(4) and 14(2),

“defendant” shall be construed in accordance with section 1(7),

“enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978),

“land” includes corporeal hereditaments, tithes and rentcharges and any legal or equitable estate or interest therein, but except as so provided does not include any incorporeal hereditament,

“personal injury” includes any disease and any impairment of a person’s physical or mental condition,

“personal representative” includes an executor who has not proved the will (whether or not he has renounced probate), but not anyone appointed only as a special personal representative in relation to settled land,

“rent” includes a rentcharge and a rent service,

“rentcharge” means any annuity or periodical sum of money charged upon or payable out of land, except a rent service or interest on a mortgage on land,

“settled land”, “statutory owner” and “tenant for life” have the same meaning as in the Settled Land Act 1925,

1978 c. 30.

1925. c. 18.

*Limitation*

- “starting date” shall be construed in accordance with sections 3, 13 and 14, PART IV
- “successor”, in relation to a person in whom a cause of action is vested or against whom a cause of action subsists, means his personal representatives or any other person on whom his rights or, as the case may be, liabilities in relation to the cause of action devolve (whether on death or bankruptcy or the disposition of property or the determination of a limited estate or interest in settled property or otherwise),
- “trust” and “trustee” have the same meaning as in the Trustee Act 1925. 1925 c. 19.
- (2) Subject to subsection (3)—
- (a) a person shall be treated for the purposes of this Act as claiming through another person if he became entitled by, through, under or by the act of that other person to the right claimed, and
- (b) any person whose estate or interest might have been barred by a person entitled to an entailed interest in possession shall be treated for the purposes of this Act as claiming through the person so entitled.
- (3) A person becoming entitled to any estate or interest by virtue of a special power of appointment shall not be treated for the purposes of this Act as claiming through the appointor.
- (4) Any reference in this Act to a right of action to recover land shall include a reference to a right to enter into possession of the land or, in the case of rentcharges and tithes, to distrain for arrears of rent or tithe; and any reference in this Act to the making of a civil claim to recover land shall include a reference to the making of such an entry or distress.
- (5) Any reference in this Act to the possession of land shall, in the case of tithes and rentcharges, be construed as a reference to the receipt of the tithe or rent; and any reference in this Act to the date of dispossession or discontinuance of possession of land shall, in the case of rentcharges, be construed as a reference to the date of the last receipt of rent.
- (6) In the provisions of this Act relating to civil claims to recover land, any reference to the Crown includes a reference to the Duke of Cornwall.
- (7) For the purposes of this Act a cause of action upon a judgment shall be treated as accruing on the date on which the judgment became enforceable.
- 39.**—(1) Schedule 3 (minor and consequential amendments) has effect. Amendments and repeals.
- (2) Subject to subsection (3), the repeals set out in Schedule 4 have effect.
- (3) Notwithstanding the repeal by this Act of the Limitation Act 1980, section 38(2) to (6) of that Act shall continue to have effect for the purposes of section 3(4) of the Charitable Trusts (Validation) Act 1954. 1980 c. 58.  
1954 c. 58.
- 40.**—(1) This Act comes into force at the end of the period of one year beginning with the day on which it is passed. Commencement.

*Limitation*

PART IV

(2) Subject to the following provisions of this section, this Act has effect in relation to causes of action accruing and things taking place before, as well as in relation to causes of action accruing and things taking place after, the commencement of this Act.

(3) Nothing in this Act— 5

1980 c. 58.

(a) enables any civil claim to be made which was barred by the Limitation Act 1980 or any other enactment before the commencement of this Act,

(b) applies to any civil claim made in civil proceedings which were commenced before the commencement of this Act or the title to 10 any property which is the subject of any such claim, or

(c) applies to any cause of action in respect of a contract under seal or executed as a deed where the contract was made before the commencement of this Act.

(4) Where— 15

(a) a cause of action has accrued before the commencement of this Act, and

(b) no provision was made by any enactment passed or made before the passing of this Act, or by any rule of equity, for a limitation period to apply to a civil claim in respect of the cause of action, 20

any limitation period under this Act which applies to a civil claim in respect of the cause of action shall, if it would otherwise end earlier, be treated as ending at the end of the period of six years beginning with the day on which this Act comes into force.

(5) Where— 25

(a) the starting date in relation to a cause of action falls before the commencement of this Act, and

(b) provision was made by any enactment passed or made before the passing of this Act, or by any rule of equity, for a limitation period to apply to a civil claim in respect of the cause of action, 30

any limitation period under this Act which applies to a civil claim in respect of the cause of action shall, if it would otherwise end earlier, be treated as ending at the end of the limitation period which would have applied to the claim if this Act had not been passed.

(6) In determining for the purposes of subsection (5) the limitation 35 period which would have applied if this Act had not been passed—

(a) section 32(1)(b) of the Limitation Act 1980 (concealment) shall be disregarded, and

(b) section 32(1)(a) or (c) of that Act (fraud and mistake) shall not operate to extend the end of any limitation period under that Act 40 beyond the end of the period of six years beginning with the day on which this Act comes into force.

(7) In determining for the purposes of this section whether a civil claim is barred by the Limitation Act 1980 or any other enactment, section 32A or 33 of that Act or any other enactment enabling a 45 limitation period to be overridden shall be disregarded.

1979 c. 17.

(8) For the purposes of this section, a right to a payment under section 1(1) of the Vaccine Damage Payments Act 1979 shall be treated as a

*Limitation*

cause of action and a claim for such a payment shall be treated as a civil claim in respect of the cause of action.

PART IV

**41.**—(1) This Act may be cited as the Limitation Act 2001.

Citation and  
extent.

(2) This Act extends to England and Wales only.

SCHEDULES

Section 17.

SCHEDULE 1

ACCUAL OF RIGHTS OF ACTION TO RECOVER LAND

*Right not to accrue or continue unless there is adverse possession*

1.—(1) No right of action to recover land shall be treated as accruing unless the land is in the possession of some person in whose favour a limitation period under section 16 can run (referred to in this paragraph as “adverse possession”). 5

(2) Where under the following provisions of this Schedule—

(a) a right of action to recover land is treated as accruing on a certain date, and

(b) no person is in adverse possession on that date, 10

the right of action shall not be treated as accruing unless and until adverse possession is taken of the land.

(3) Where—

(a) a right of action to recover land has accrued, and

(b) after its accrual, but before the right of action is barred, the land ceases to be in adverse possession, 15

the right of action shall no longer be treated as having accrued and no fresh right of action shall be treated as accruing unless and until the land is again taken into adverse possession.

(4) Where— 20

(a) a right of action to recover land has accrued, and

(b) after its accrual, but before the right of action is barred, there is a change of person in adverse possession of the land,

the right of action shall no longer be treated as having accrued and a fresh right of action shall be treated as having accrued on the date of the change. 25

(5) Sub-paragraph (4) does not apply—

(a) if any person in adverse possession of the land before the change continues to be in adverse possession of the land after the change, or

(b) where a person’s period of adverse possession of the land is followed by, and is continuous with, a period of adverse possession of the land by a person who claims through him. 30

(6) Where a person’s period of adverse possession of land is interrupted by a period of adverse possession of the land by another person which comes between, and is continuous with, his own periods of adverse possession, sub-paragraph (4) shall not apply— 35

(a) when his period of adverse possession of the land is interrupted, or

(b) when his period of adverse possession of the land is resumed.

(7) For the purposes of this paragraph—

(a) possession of any land subject to a rentcharge by a person (other than the person entitled to the rentcharge) who does not pay the rent shall be treated as adverse possession of the rentcharge, and 40

(b) receipt of rent under a lease by a person wrongfully claiming to be entitled to the land in reversion immediately expectant on the determination of the lease shall be treated as adverse possession of the land. 45

(8) For the purpose of determining whether a person occupying any land is in adverse possession of the land it shall not be assumed by implication of law that his occupation is by permission of the person entitled to the land merely by virtue of the

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fact that his occupation is not inconsistent with that person's present or future enjoyment of the land.

(9) Sub-paragraph (8) shall not be taken as prejudicing a finding to the effect that a person's occupation of any land is by implied permission of the person entitled to the land in any case where such a finding is justified on the actual facts of the case.

*Accrual of right in case of present interests in land*

2. Where the person making a civil claim to recover land, or some person through whom he claims—

- 10 (a) has been in possession of the land, and
- (b) has while entitled to the land been dispossessed or discontinued his possession,

the right of action to recover the land shall be treated as having accrued on the date of the dispossession or discontinuance.

15 3. Where—

- (a) a person makes a civil claim to recover any land of a deceased person (whether under a will or on intestacy),
- 20 (b) the deceased person was on the date of his death in possession of the land or, in the case of a rentcharge created by will or taking effect upon his death, in possession of the land charged, and
- (c) the deceased person was the last person entitled to the land to be in possession of it,

the right of action to recover the land shall be treated as having accrued on the date of his death.

25 4. Where—

- (a) a person makes a civil claim to recover an estate or interest in land in possession which was assured otherwise than by will to him, or to some person through whom he claims,
  - 30 (b) the person making the assurance was on the date on which the assurance took effect in possession of the land or, in the case of a rentcharge created by the assurance, in possession of the land charged, and
  - (c) no person has been in possession of the land by virtue of the assurance,
- the right of action to recover the land shall be treated as having accrued on the date on which the assurance took effect.

35

*Accrual of right in case of future interests*

5. Where—

- (a) the estate or interest claimed was an estate or interest in reversion or remainder or any other future estate or interest, and
- 40 (b) no person has taken possession of the land by virtue of the estate or interest claimed,

the right of action to recover the land shall be treated as having accrued on the date on which the estate or interest fell into possession by the determination of the preceding estate or interest.

45 6.—(1) Subject to sub-paragraph (2), a tenancy from year to year or other period, without a lease in writing, shall for the purposes of this Act be treated as being determined at the end of the first year or other period; and accordingly the right of action of the person entitled to the land subject to the tenancy shall be treated as having accrued on the date on which in accordance with this sub-paragraph the tenancy is determined.

50

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SCH. 1 (2) Where any rent has subsequently been received in respect of the tenancy, the right of action shall be treated as having accrued on the date of the last receipt of rent.

7.—(1) Where—

(a) a person is in possession of land by virtue of a lease in writing by which a rent of not less than ten pounds a year is reserved, 5

(b) the rent is received by some person wrongfully claiming to be entitled to the land in reversion immediately expectant on the determination of the lease, and

(c) no rent is subsequently received by the person rightfully so entitled, 10  
the right of action to recover the land of the person rightfully so entitled shall be treated as having accrued on the date on which the rent was first received by the person wrongfully claiming to be so entitled and not on the date of the determination of the lease.

(2) Sub-paragraph (1) does not apply to any lease granted by the Crown. 15

*Accrual of right in case of forfeiture or breach of condition*

8.—(1) Subject to sub-paragraph (2), a right of action to recover land by virtue of a forfeiture or breach of condition shall be treated as having accrued on the date on which the forfeiture was incurred or the condition broken.

(2) If— 20

(a) a right of action to recover land by virtue of a forfeiture or breach of condition has accrued to a person entitled to an estate or interest in reversion or remainder, and

(b) the land was not recovered by virtue of that right, 25  
the right of action to recover the land shall not be treated as having accrued to that person until his estate or interest fell into possession.

*Possession of beneficiary not adverse to others interested in settled land or land held subject to a trust of land*

9. Where any settled land or land subject to a trust of land is in the possession of a person— 30

(a) who is entitled to a beneficial interest in the land, and

(b) who is not solely or absolutely entitled to the land,

no right of action to recover the land shall be treated for the purposes of this Act as accruing during that possession to any person in whom the land is vested as tenant for life, statutory owner or trustee or to any other person entitled to a 35  
beneficial interest in the land.

Section 23.

SCHEDULE 2

APPLICATION OF SECTION 1(1) IN CASE OF INSOLVENCY AND BANKRUPTCY

PART I

COMPANIES AND INSOLVENT PARTNERSHIPS 40

*Administrator*

1.—(1) The limitation period under section 1(1) shall not run against a company or insolvent partnership in which a cause of action is vested during any period in which there is an administrator of the company or partnership.

(2) An administrator of a company or insolvent partnership shall not be 45  
regarded as a qualifying individual for the purposes of section 5.

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(3) The reference in sub-paragraph (1) to a period in which there is an administrator includes a reference to a period in which there is a temporary vacancy in the office of administrator.

(4) Any reference in this paragraph to an administrator includes a reference to a person performing functions under the laws of a country outside Great Britain equivalent to those of an administrator.

### *Administrative receiver*

2.—(1) Subject to sub-paragraph (2), the limitation period under section 1(1) shall not run against a company or insolvent partnership in which a cause of action is vested during any period in which there is an administrative receiver of the company or partnership.

(2) Sub-paragraph (1) does not apply to a cause of action which subsists against an administrative receiver.

(3) An administrative receiver of a company or insolvent partnership shall not be regarded as a qualifying individual for the purposes of section 5.

(4) The reference in sub-paragraph (1) to a period in which there is an administrative receiver includes a reference to a period in which there is a temporary vacancy in the office of administrative receiver.

(5) Any reference in this paragraph to an administrative receiver includes a reference to a person performing functions under the laws of a country outside Great Britain equivalent to those of an administrative receiver.

### *Winding up*

3.—(1) This paragraph applies in the case of a cause of action vested in a company or insolvent partnership which is being wound up.

(2) Where the limitation period under section 1(1) has begun to run, but has not ended, before the date on which a liquidator of the company or partnership is first appointed, it shall be suspended for the period of one year beginning with the date of that appointment.

(3) Where the limitation period under section 1(1) has not begun to run before the date on which a liquidator of the company or partnership is first appointed, it shall be treated as running from the later of—

- (a) the first anniversary of the date of that appointment, and
- (b) the date of knowledge of the liquidator (or, where there are two or more liquidators, the earliest date of knowledge of any of them).

(4) Any reference in this paragraph to a company includes a reference to an unregistered company.

(5) Any reference in this paragraph to a liquidator includes a reference to a person performing functions under the laws of a country outside Great Britain equivalent to those of a liquidator.

### 40 *Civil claims under section 213, 214, 238, 239 or 423 of 1986 Act*

4.—(1) In its application to a civil claim by a liquidator under section 213 or 214 of the 1986 Act (fraudulent trading and wrongful trading), the limitation period under section 1(1) of this Act shall be treated as running from the later of—

- (a) the first anniversary of the date on which a liquidator is first appointed, and
- (b) the date of knowledge of the liquidator (or, where there are two or more liquidators, the earliest date of knowledge of any of them).

(2) In its application to a civil claim by an administrator or liquidator under section 238, 239 or 423 of the 1986 Act (transactions at an undervalue,

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SCH. 2 preferences and transactions defrauding creditors), the limitation period under section 1(1) of this Act shall be treated as running from the later of—

(a) the first anniversary of the date on which an administrator or (as the case may be) liquidator is first appointed, and

(b) the date of knowledge of the administrator or (as the case may be) liquidator (or, where there are two or more administrators or liquidators, the earliest date of knowledge of any of them). 5

### *Interpretation of Part I*

5.—(1) In this Part—

“administrator” means a person appointed as administrator, special 10 administrator or special railway administrator under any provision of the 1986 Act,

“administrative receiver” has the meaning given by section 251 of the 1986 Act,

1985 c. 6. “company” means a company as defined in section 735 of the Companies 15 Act 1985 or a foreign company,

“foreign company” means a company incorporated outside Great Britain,

“insolvent partnership” includes an insolvent partnership under the laws of a country outside England and Wales,

“liquidator” means a persons appointed as liquidator or provisional 20 liquidator under any provision of the 1986 Act,

1986 c. 45. “the 1986 Act” means the Insolvency Act 1986,

“unregistered company” means an unregistered company as defined in section 220 of the 1986 Act.

(2) Any reference in this Part to a person being appointed as a liquidator 25 includes a reference—

(a) to a person becoming liquidator by virtue of a nomination, and

(b) to the official receiver becoming liquidator by virtue of section 136 of the 1986 Act.

## PART II

30

### INDIVIDUALS

#### *Bankruptcy*

6.—(1) This paragraph applies where a cause of action has become vested in the trustee of a bankrupt’s estate.

(2) It is a defence to a civil claim in respect of the cause of action made by the trustee that the bankruptcy order was made after the end of the limitation 35 period under section 1(1) which would have applied to a civil claim in respect of the cause of action made by the bankrupt.

(3) If the bankruptcy order was made after the limitation period mentioned in sub-paragraph (2) has begun to run but before it has ended, that limitation 40 period shall apply to a civil claim in respect of the cause of action made by the trustee but it shall be suspended for the period of one year beginning with the date of the bankruptcy order.

(4) If the bankruptcy order was made before the limitation period mentioned in sub-paragraph (2) has begun to run, the limitation period under section 1(1) 45 which is to apply to a civil claim in respect of the cause of action made by the trustee shall be treated as running from the later of—

(a) the first anniversary of that date, and

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(b) the date of knowledge of the trustee (or, where there are two or more trustees, the earliest date of knowledge of any of them).

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(5) This paragraph shall apply in relation to an individual who is subject to the insolvency laws of a country outside than England and Wales as it applies in relation to a bankrupt.

(6) In relation to such an individual—

(a) any reference in this paragraph to the trustee of a bankrupt's estate is a reference to a person performing functions under those laws which are equivalent to those of a trustee of a bankrupt's estate, and

10 (b) any reference in this paragraph to the making of bankruptcy order is a reference to the occurrence of any event under those laws which is equivalent to the making of a bankruptcy order.

### *Civil claims under section 339, 340, 342A, 343 or 423 of 1986 Act*

7.—(1) The provisions to which this paragraph applies are—

15 (a) section 339 of the 1986 Act (transactions at an undervalue),

(b) section 340 of that Act (preferences),

(c) section 342A of that Act (recovery of excessive pension contributions),

(d) section 343 of that Act (extortionate credit transactions), and

(e) section 423 of that Act (transactions defrauding creditors).

20 (2) In its application to a civil claim by the trustee of a bankrupt's estate under a provision to which this paragraph applies, the limitation period under section 1(1) of this Act shall be treated as running from the later of—

(a) the first anniversary of the date of the bankruptcy order, and

25 (b) the date of knowledge of the trustee of the bankrupt's estate (or, where there are two or more trustees, the earliest date of knowledge of any of them).

### *Interpretation of Part II*

8.—(1) In this Part “the 1986 Act” means the Insolvency Act 1986.

1986 c. 45.

30 (2) Expressions which are used in this Part and the 1986 Act shall have the same meaning in this Part as they have in the 1986 Act.

## SCHEDULE 3

Section 39.

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *Law of Property Act 1925 (c. 20)*

35 1. In section 205 of the Law of Property Act 1925 (general definitions), in subsection (1)(xii) for “the Real Property Limitation Acts 1833, 1837 and 1874” substitute “the Limitation Act 2001 and any other enactments (whenever passed) limiting the time within which proceedings may be taken”.

#### *Land Registration Act 1925 (c. 21)*

40 2. In section 3 of the Land Registration Act 1925 (interpretation), in paragraph (xii) for “the Real Property Limitation Acts 1833, 1837 and 1874, and any Acts amending those Acts” substitute “the Limitation Act 2001 and any other enactments (whenever passed) limiting the time within which proceedings may be taken”.

45 3. In section 83 of that Act (indemnity for errors or omissions in the register), omit subsection (12).

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*Administration of Estates Act 1925 (c. 23)*

4. In section 21A of the Administration of Estates Act 1925 (debtor who becomes creditor's executor by representation or administrator to account for debt to estate), in subsection (2) for "the Limitation Act 1939" substitute "the Limitation Act 2001, or any other enactment (whenever passed) limiting the time within which proceedings may be taken,". 5

*Limitation (Enemies and War Prisoners) Act 1945 (c. 16)*

5.—(1) In section 2 of the Limitation (Enemies and War Prisoners) Act 1945 (interpretation), in subsection (1), in the definition of "statute of limitation", for "the Limitation Act 1980" substitute "the Limitation Act 2001". 10

(2) After that subsection insert—

“(1A) The reference in section 1(1) of this Act to the period prescribed by any statute of limitation includes a reference to an agreed limitation period under section 31 of the Limitation Act 2001.”

*Law Reform (Contributory Negligence) Act 1945 (c. 28)* 15

6.—(1) In section 1 of the Law Reform (Contributory Negligence) Act 1945 (apportionment of liability in case of contributory negligence), in subsection (5) for "the Limitation Act 1939" substitute "the Limitation Act 2001".

(2) After that subsection insert—

“(5A) The reference in subsection (5) of this section to a person pleading the Limitation Act 2001 includes a reference to a person pleading the expiry of an agreed limitation period under section 31 of that Act.”

*Agriculture Act 1967 (c. 22)*

7. In Schedule 3 to the Agriculture Act 1967 (conditions applying to amalgamated agricultural units), in paragraph 7(6) for "the Limitation Act 1980" substitute "the Limitation Act 2001". 25

*Mines and Quarries (Tips) Act 1969 (c. 10)*

8. In Schedule 3 to the Mines and Quarries (Tips) Act 1969 (claims for compensation by owners and contributories), for paragraph 6(2) substitute— 30

“(2) In relation to England and Wales, Part III of the Limitation Act 2001 shall apply to the limitation period under sub-paragraph (1) above as it applies to the limitation period under section 1(2) of that Act.”

*Law of Property Act 1969 (c. 59)*

9. In section 25 of the Law of Property Act 1969 (compensation in certain cases for loss due to undisclosed land charges), omit subsection (5). 35

*Animals Act 1971 (c. 22)*

10. In section 10 of the Animals Act 1971 (application of certain enactments to liability under sections 2 to 4), for "the Law Reform (Contributory Negligence) Act 1945 and the Limitation Act 1980" substitute "and the Law Reform (Contributory Negligence) Act 1945". 40

## *Limitation*

### *Defective Premises Act 1972 (c. 35)*

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11. In section 1 of the Defective Premises Act 1972 (duty to build dwellings properly), in subsection (5) for the words from “for the purposes” to “accrued” (in the first place where it occurs) substitute “for the purposes of the Limitation Act 5 2001 to have accrued”.

### *Land Compensation Act 1973 (c. 26)*

12. In section 19 of the Land Compensation Act 1973 (interpretation of Part I), in subsection (2A) for “the Limitation Act 1939, a person’s right” substitute “the Limitation Act 2001, a cause”.

10 13. In section 32 of that Act (supplementary provisions about home loss payments), in subsection (7A) for “the Limitation Act 1939 a person’s right” substitute “the Limitation Act 2001 a cause”.

14.—(1) Section 36 of that Act (supplementary provisions about farm loss payments) is amended as follows.

15 (2) In subsection (1) for the words from “Subject to subsection (7)” to “complied with” substitute “No farm loss payment shall be made except on a claim in that behalf made by the person entitled thereto”.

(3) For subsection (3) substitute—

20 “(3) Where a person entitled to a farm loss payment dies without having claimed it, a claim to that payment may be made by his personal representatives.

(3A) For the purposes of the Limitation Act 2001, a cause of action to recover a farm loss payment shall be deemed to have accrued on the date on which the requirement in section 34(1)(b) above is complied with.”

25 (4) In subsection (6) for “mentioned in subsection (1) above” substitute “on which the requirement in section 34(1)(b) above is complied with”.

(5) Subsection (7) is omitted.

### *Control of Pollution Act 1974 (c. 40)*

30 15. In section 88 of the Control of Pollution Act 1974 (civil liability for contravention of section 3(3)), omit subsection (4)(c).

### *Local Land Charges Act 1975 (c. 76)*

16. In section 10 of the Local Land Charges Act 1975 (compensation for non-registration or defective official search certificate), omit subsection (7).

### *Fatal Accidents Act 1976 (c. 30)*

35 17. In section 1 of the Fatal Accidents Act 1976 (right of action for wrongful act causing death), in subsection (1) for “and recover” substitute “for”.

### *Rent Act 1977 (c. 42)*

40 18. In section 57 of the Rent Act 1977 (recovery from landlord of sums paid in excess of recoverable rent etc), in subsection (3) for paragraphs (a) and (b) substitute “any limitation period under the Limitation Act 2001 which would apply to a civil claim to recover that amount”.

45 19. In section 94 of that Act (recovery from landlord of sums paid in excess of recoverable rent etc), in subsection (3) for “2 years from the date of payment” substitute “any limitation period under the Limitation Act 2001 which would apply to a civil claim to recover that amount”.

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*Vaccine Damage Payments Act 1979 (c. 17)*

20.—(1) Section 3 of the Vaccine Damage Payments Act 1979 (determination of claims) is amended as follows.

(2) In subsection (1) omit paragraph (c).

(3) After that subsection insert—

5

“(1A) A claim may not be made after the time limit which would apply to the claim if it were a civil claim under the Limitation Act 2001 for damages in respect of personal injury which was made by the disabled person or, as the case may be, his personal representatives against the Secretary of State.

10

(1B) In its application for the purposes of subsection (1A), the Limitation Act 2001 shall have effect—

(a) as if section 12 were omitted,

(b) as if the reference in section 28 to the starting date were a reference to the date of the vaccination to which the claim relates,

15

(c) as if the references in section 29(1) and (3) to the date of accrual of the cause of action were references to the date of the vaccination to which the claim relates, and

(d) with such other modifications as may be appropriate.”

20

*Merchant Shipping (Liner Conferences) Act 1982 (c. 37)*

21. In section 8 of the Merchant Shipping (Liner Conferences) Act 1982 (time for bringing legal proceedings), for subsection (2) substitute—

“(2) In England and Wales the following provisions of the Limitation Act 2001 apply to the limitation period prescribed by subsection (1) as they apply to any limitation period under that Act—

25

(a) section 25 (certain new claims),

(b) section 26 (concealment),

(c) section 28 (children), and

(d) section 29 (disability).”

30

*Foreign Limitation Periods Act 1984 (c. 16)*

22. In section 1 of the Foreign Limitation Periods Act 1984 (application of foreign limitation law), in subsection (3) omit the words “and, accordingly” onwards.

*Latent Damage Act 1986 (c. 37)*

35

23.—(1) Section 3 of the Latent Damage Act 1986 (accrual of cause of action to successive owners in respect of latent damage to property) is amended as follows.

(2) For paragraph (b) of subsection (1) substitute—

“(b) another person acquires an interest in that property after the date on which the original cause of action accrued but before the earliest date of knowledge (within the meaning of the Limitation Act 2001) in relation to that cause of action of any person who has any interest in the property on that date of knowledge;”.

45

(3) For subsection (2) substitute—

“(2) A cause of action accruing to any person by virtue of subsection (1) above shall be treated as if based on breach of a duty of care at common law owed to the person to whom it accrues.

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(2A) For the purposes of the Limitation Act 2001, the starting date in relation to a cause of action accruing to any person by virtue of subsection (1) above shall be treated as falling on the same date as the starting date in relation to the original cause of action.”

5 (4) Subsections (3), (5) and (6) are omitted.

*Consumer Protection Act 1987 (c. 43)*

24. In section 5 of the Consumer Protection Act 1987 (damage giving rise to liability) for subsections (5) to (7) substitute—

10 “(5) In determining for the purposes of this Part who has suffered any loss or damage to property and when any such loss or damage occurred, the loss or damage shall be regarded as having occurred on the earliest time at which a person with an interest in the property had knowledge that the loss or damage was significant.

15 (6) For the purposes of subsection (5) above, a person has knowledge that the loss or damage is significant—

- (a) if he has knowledge of the full extent of the loss or damage, or
  - (b) if a reasonable person with his knowledge of the extent of the loss or damage would think that a civil claim was worth making in respect of the loss or damage against a defendant who did not dispute liability and was able to satisfy a judgment.
- 20

(7) Sections 4 and 5 of the Limitation Act 2001 shall apply for the purposes of subsections (5) and (6) above as they apply for the purposes of that Act.”

*Copyright, Designs and Patents Act 1988 (c. 48)*

25 25. In section 99 of the Copyright, Designs and Patents Act 1988 (order for delivery up), in subsection (2) for the words from “An application” to “no order” substitute “No order under this section.”

26.—(1) Section 113 of that Act (period after which remedy of delivery up not available) is amended as follows.

30 (2) For subsection (1) substitute—

“(1) For the purposes of the Limitation Act 2001, the right to apply for an order under section 99 (order for delivery up in civil proceedings) shall be treated as accruing on the date on which the infringing copy or article in question was made.”

35 (3) Subsections (2) and (3) are omitted.

27. In section 195 of that Act (order for delivery up), in subsection (2) for the words from “An application” to “no order” substitute “No order under this section.”

40 28.—(1) Section 203 of that Act (period after which remedy of delivery up not available) is amended as follows.

(2) For subsection (1) substitute—

45 “(1) For the purposes of the Limitation Act 2001, the right to apply for an order under section 195 (order for delivery up in civil proceedings) shall be treated as accruing on the date on which the illicit recording in question was made.”

(3) Subsections (2) and (3) are omitted.

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SCH. 3            29.—(1) Section 230 of that Act (order for delivery up) is amended as follows.

(2) In subsection (2), for the words from “An application” to “no order” substitute “No order under this section”.

(3) For subsection (3) substitute—

5

“(3) For the purposes of the Limitation Act 2001, the right to apply for an order under this section shall be treated as accruing on the date on which the article or thing was made.”

(4) Subsections (4) and (5) are omitted.

*Environmental Protection Act 1990 (c. 43)*

10

30. In section 73 of the Environmental Protection Act 1990 (appeals and other provisions relating to legal proceedings and civil liability), omit subsection (9)(c).

*Water Industry Act 1991 (c. 56)*

31. In section 209 of the Water Industry Act 1991 (civil liability of 15 undertakers for escapes of water etc), in subsection (4) for “the Fatal Accidents Act 1976 and the Limitation Act 1980” substitute “and the Fatal Accidents Act 1976”.

*Water Resources Act 1991 (c. 57)*

32. In section 208 of the Water Resources Act 1991 (civil liability of the 20 Agency for escapes of water etc), in subsection (4) for “the Fatal Accidents Act 1976 and the Limitation Act 1980” substitute “and the Fatal Accidents Act 1976”.

*Coal Industry Act 1994 (c. 21)*

33. In section 10 of the Coal Industry Act 1994 (protection for certain 25 interests in coal and coal mines), for subsection (2)(a) substitute—

“(a) under sections 15 or 17 of the Limitation Act 1980 or sections 16 to 18 of the Limitation Act 2001 (time limits on proceedings to recover land and extinction of titles); or”.

*Trade Marks Act 1994 (c. 26)*

30

34. In section 16 of the Trade Marks Act 1994 (order for delivery up of infringing goods, materials or articles), in subsection (2) for the words from “An application” to “no order” substitute “No order under this section”.

35.—(1) Section 18 of that Act (period after which remedy of delivery up not available) is amended as follows.

35

(2) For subsection (1) substitute—

“(1) For the purposes of the Limitation Act 2001, the right to apply for an order under section 16 (order for delivery up of infringing goods, material or articles) shall be treated as accruing—

(a) in the case of infringing goods, on the date on which the trade 40 mark was applied to the goods or their packaging,

(b) in the case of infringing material, on the date on which the trade mark was applied to the material, or

(c) in the case of infringing articles, on the date on which they were made.”

45

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(3) Subsections (2) and (3) are omitted.

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*Arbitration Act 1996 (c. 23)*

36. In section 13 of the Arbitration Act 1996 (application of Limitation Acts), in subsection (4)(a) for “the Limitation Act 1980” substitute “the  
5 Limitation Act 2001”.

SCHEDULE 4

Section 39.

REPEALS

Chapter	Short title	Extent of repeal
10	1925 c. 21. The Land Registration Act 1925.	Section 83(12).
	1969 c. 59. The Law of Property Act 1969.	Section 25(5).
	1973 c. 26. The Land Compensation Act 1973.	Section 36(7).
15	1974 c. 40. The Control of Pollution Act 1974.	In section 88(4), paragraph (c) and the word “and” immediately preceding it.
	1975 c. 76. The Local Land Charges Act 1975.	Section 10(7).
20	1979 c. 17. The Vaccine Damage Payments Act 1979.	In section 3(1), paragraph (c) and the word “and” immediately preceding it.
25	1980 c. 58. The Limitation Act 1980.	The whole Act, except for sections 40(1) and 41(1) and (4) and paragraph 2 of Schedule 2.
	1981 c. 66. The Compulsory Purchase (Vesting Declarations) Act 1981.	Section 10(3).
30	1983 c. 20. The Mental Health Act 1983.	In Schedule 4, paragraph 55.
	1984 c. 16. The Foreign Limitation Periods Act 1984.	In section 1(3), the words “and, accordingly” onwards.
35	1986 c. 37. The Latent Damage Act 1986.	Sections 1 and 2. Section 3(3), (5) and (6). Section 4(1) and (2).
40	1987 c. 43. The Consumer Protection Act 1987.	In section 6(6), the words “the Limitation Act 1980 and”.
	1988 c. 48. The Copyright, Designs and Patents Act 1988.	In Schedule 1, Part I. Section 113(2) and (3). Section 203(2) and (3). Section 230(4) and (5).
45	1990 c. 43. The Environmental Protection Act 1990.	In section 73(9), paragraph (c) and the word “and” immediately preceding it.
	1994 c. 26. The Trade Marks Act 1994.	Section 18(2) and (3).

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Chapter	Short title	Extent of repeal
1996 c. 31. 1997 c. 40.	The Defamation Act 1996. The Protection from Harassment Act 1997.	Section 5. Section 6.
1999 c. 31.	The Contracts (Rights of Third Parties) Act 1999.	Section 7(3).
2000 c. 14.	The Care Standards Act 2000.	In Schedule 4, paragraph 8.

5