



**Isle of Man**

*Ellan Vannin*

**AT 18 of 1984**

**LIMITATION ACT 1984**





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*Ellan Vannin*

## LIMITATION ACT 1984

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**Isle of Man**

*Ellan Vannin*

## LIMITATION ACT 1984

*Received Royal Assent:* 31 July 1984  
*Passed:* 16 October 1984  
*Commenced:* 16 January 1985

AN ACT to consolidate with amendments the Statutes of Limitations Acts 1891 to 1981.

### PART I – ORDINARY TIME LIMITS FOR DIFFERENT CLASSES OF ACTION

*Time limits under Part I subject to extension or exclusion under Part II*

#### **1 Time limits under Part I subject to extension or exclusion under Part II**

[P1980/58/1]

- (1) This Part gives the ordinary time limits for bringing actions of the various classes mentioned in the following provisions of this Part.
- (2) The ordinary time limits given in this Part are subject to extension or exclusion in accordance with the provisions of Part II.

*Actions founded on tort*

#### **2 Time limit for actions founded on tort**

[P1980/58/2; VI p240/42(1); VII p485/3]

An action founded on tort shall not be brought after the expiration of 6 years from the date on which the cause of action accrued.

#### **3 Time limit in case of successive conversions and extinction of title of owner of converted goods**

[P1980/58/3]

- (1) Where any cause of action in respect of the conversion of a chattel has accrued to any person and, before he recovers possession of the chattel, a

further conversion takes place, no action shall be brought in respect of the further conversion after the expiration of 6 years from the accrual of the cause of action in respect of the original conversion.

- (2) Where any such cause of action has accrued to any person and the period prescribed for bringing that action has expired and he has not during that period recovered possession of the chattel, the title of that person to the chattel shall be extinguished.

#### 4 Special time limit in case of theft

[P1980/58/4]

- (1) The right of any person from whom a chattel is stolen to bring an action in respect of the theft shall not be subject to the time limits under sections 2 and 3(1), but if his title to the chattel is extinguished under section 3(2) he may not bring an action in respect of a theft preceding the loss of his title, unless the theft in question preceded the conversion from which time began to run for the purposes of section 3(2).
- (2) Subsection (1) shall apply to any conversion related to the theft of a chattel as it applies to the theft of a chattel; and, except as provided below, every conversion following the theft of a chattel before the person from whom it is stolen recovers possession of it shall be regarded for the purposes of this section as related to the theft.

If anyone purchases the stolen chattel in good faith, neither the purchase nor any conversion following it shall be regarded as related to theft.

- (3) Any cause of action accruing in respect of the theft or any conversion related to the theft of a chattel to any person from whom the chattel is stolen shall be disregarded for the purpose of applying section 3(1) or (2) to his case.
- (4) Where in any action brought in respect of the conversion of a chattel it is proved that the chattel was stolen from the plaintiff or anyone through whom he claims it shall be presumed that any conversion following the theft is related to the theft unless the contrary is shown.
- (5) In this section “theft” includes –
- (a) any conduct outside the Island which would be theft if committed in the Island; and
  - (b) obtaining any chattel (in the Island or elsewhere) in the circumstances described in section 15(1) of the *Theft Act 1981* (obtaining by deception) or by blackmail within the meaning of section 23 of that Act;

and references in this section to a chattel being “stolen” shall be construed accordingly.



**4A Time limit for actions for defamation or malicious falsehood**

[P1996/31/5]

The time limit under section 2 shall not apply to an action for —

- (a) libel or slander, or
- (b) slander of title, slander of goods or other malicious falsehood,

but no such action shall be brought after the expiration of one year from the date on which the cause of action accrued.<sup>1</sup>

*Actions founded on simple contract***5 Time limit for actions founded on simple contract**

[P1980/58/5; VI p240/42(1); VII p485/3]

An action founded on simple contract shall not be brought after the expiration of 6 years from the date on which the cause of action accrued.

**6 Special time limit for actions in respect of certain loans**

[P1980/58/6]

- (1) Subject to subsection (3), section 5 shall not bar the right of action on a contract of loan to which this section applies.
- (2) This section applies to any contract of loan which —
  - (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;

except where in connection with taking the loan the debtor enters into any 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 would exclude the application of this section to the contract of loan if they applied directly to repayment of the debt.

- (3) Where a demand in writing for repayment of the debt under a contract of loan to which this section applies is made by or on behalf of the creditor (or, where there are joint creditors, by or on behalf of any one of them) section 5 of this Act shall thereupon apply as if the cause of action to recover the debt had accrued on the date on which the demand was made.

**7 Time limit for actions to enforce certain awards**

[P1980/58/7; VI p240/42(1); VII p485/3]

An action to enforce an award, where the submission is not by a specialty, shall not be brought after the expiration of 6 years from the date on which the cause of action accrued.

*General rule for actions on a specialty*

**8 Time limit for actions on a specialty**

[P1980/58/8; VI p240/10]

- (1) An action upon a specialty shall not be brought after the expiration of 21 years from the date on which the cause of action accrued.
- (2) Subsection (1) shall not affect any action for which a shorter period of limitation is prescribed by any other provision of this Act.

*Actions for sums recoverable by statute*

**9 Time limit for actions for sums recoverable by statute**

[P1980/58/9]

- (1) An action to recover any sum recoverable by virtue of any enactment shall not be brought after the expiration of 6 years from the date on which the cause of action accrued.
- (2) Subsection (1) shall not affect any action to which section 10 applies.

**10 Special time limit for claiming contribution**

[P1980/58/10; 1981/14/Sch 1]

- (1) Where under section 1 of the *Civil Liability (Contribution) Act 1981* any person becomes entitled to a right to recover contribution in respect of any damage from any other person, no action to recover contribution by virtue of that right shall be brought after the expiration of 2 years from the date on which that right accrued.
- (2) For the purposes of this section the date on which a right to recover contribution in respect of any damage accrues to any person (in this section called “the relevant date”) shall be ascertained as provided in subsections (3) and (4).
- (3) If the person in question is held liable in respect of that damage —
  - (a) by a judgment given in any civil proceedings; or
  - (b) by an award made on any arbitration;

the relevant date shall be the date on which the judgment is given, or the date of the award (as the case may be). For the purposes of this subsection 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 in question.

- (4) If, in any case not within subsection (3), the person in question makes or agrees to make any payment to one or more persons in compensation for that damage (whether he admits any liability in respect of the damage or not), the relevant date shall be the earliest date on which the amount to be paid by him is agreed between him (or his representative) and the person (or each of the persons, as the case may be) to whom the payment is to be made.
- (5) An action to recover contribution shall be one to which sections 26, 30 and 32 apply, but otherwise Parts II and III (except sections 35 and 36) shall not apply for the purposes of this section.

#### **10A Actions for recovery of property obtained through unlawful conduct, etc.**

[P2002/29/288]

- (1) None of the time limits given in this Act applies to any proceedings under Chapter 2 of Part 1 of the *Proceeds of Crime Act 2008* (civil recovery of proceeds of unlawful conduct).
- (2) Proceedings under that Chapter for a recovery order in respect of any recoverable property shall not be brought after the expiration of the period of 12 years from the date on which the cause of action accrued.
- (3) Proceedings under that Chapter are brought when —
  - (a) an action is commenced; or
  - (b) an application is made for an interim receiving order,whichever is the earlier.
- (4) The cause of action accrues in respect of any recoverable property —
  - (a) in the case of proceedings for a recovery order in respect of property obtained through unlawful conduct, when the property is so obtained;
  - (b) in the case of proceedings for a recovery order in respect of any other recoverable property, when the property obtained through unlawful conduct which it represents is so obtained.
- (5) If —
  - (a) a person would (but for the preceding provisions of this Act) have a cause of action in respect of the conversion of a chattel; and
  - (b) proceedings are started under that Chapter for a recovery order in respect of the chattel,

section 3(2) of this Act does not prevent that person asserting on an application under section 36 of that Act that the property belongs to that

person, or the court making a declaration in that person's favour under that section.

- (6) If the court makes such a declaration, that person's title to the chattel is to be treated as not having been extinguished by section 3(2) of this Act.
- (7) Expressions used in this section and Part 1 of the *Proceeds of Crime Act 2008* have the same meaning in this section as in that Part.<sup>2</sup>

### **10B Actions for recovery of property for purposes of an external order**

- (1) None of the time limits given in the preceding provisions of this Act applies to any proceedings under Chapter 2 of Part 2 of the Proceeds of Crime (External Requests and Orders) Order 2009 [SD687/09] (civil proceedings for the realisation of property to give effect to an external order).
- (2) Proceedings under that Chapter for a recovery order in respect of any recoverable property shall not be brought after the expiration of the period of 21 years from the date on which the Attorney General's cause of action accrued.
- (3) Proceedings under that Chapter are brought when —
  - (a) an action is commenced;
  - (b) an application is made for a property freezing order; or
  - (c) an application is made for an interim receiving order,whichever is earliest.
- (4) The Attorney General's cause of action accrues in respect of any recoverable property —
  - (a) in the case of proceedings for a recovery order in respect of property obtained, or believed to have been obtained, as a result of or in connection with criminal conduct, when the property is so obtained;
  - (b) in the case of proceedings for a recovery order in respect of any other recoverable property, when the property obtained, or believed to have been obtained, as a result of or in connection with criminal conduct which it represents is so obtained.
- (5) If —
  - (a) a person would (but for the preceding provisions of this Act) have a cause of action in respect of the conversion of a chattel; and
  - (b) proceedings are started under that Chapter for a recovery order in respect of the chattel,

section 3(2) of this Act does not prevent his asserting on an application under article 40 of that Order that the property belongs to that person, or the court making a declaration in that person's favour under that article.

- (6) If the court makes such a declaration, his title to the chattel is to be treated as not having been extinguished by section 3(2) of this Act.
- (7) In this section —
  - (a) “criminal conduct” is to be construed in accordance with section 218(8) of the *Proceeds of Crime Act 2008*; and
  - (b) expressions used in this section which are also used in Part 2 of the *Proceeds of Crime (External Requests and Orders) Order 2009* [SD687/09] have the same meaning in this section as in that Part.<sup>3</sup>

*Actions in respect of certain breaches of duty*

## 11 Special time limit for actions in respect of personal injuries

[P1980/58/11; 1981/33/1; VI p240/42A; P1997/40/6]

- (1) This section applies to any action for damages for negligence, nuisance or breach of duty (whether the duty exists by virtue of a contract or of provision made by or under a statute or independently of any contract or any such provision) where the damages claimed by the plaintiff for the negligence, nuisance or breach of duty consist of or include damages in respect of personal injuries to the plaintiff or any other person.
- (1A) This section does not apply to any action brought for damages under section 3 of the *Protection from Harassment Act 2000*.<sup>4</sup>
- (2) None of the time limits given in the preceding provisions of this Act shall apply to an action to which this section applies.
- (3) An action to which this section applies shall not be brought after the expiration of the period applicable in accordance with subsection (4) or (5).
- (4) Except where subsection (5) applies, the period applicable is 3 years from —
  - (a) the date on which the cause of action accrued; or
  - (b) the date of knowledge (if later) of the person injured.
- (5) If the person injured dies before the expiration of the period mentioned in subsection (4), the period applicable as respects the cause of action surviving for the benefit of his estate by virtue of section 3 of the *Law Reform (Miscellaneous Provisions) Act 1938* shall be 3 years from —
  - (a) the date of death; or
  - (b) the date of the personal representative’s knowledge;whichever is the later.
- (6) For the purposes of this section “personal representative” includes any person who is or has been a personal representative of the deceased, including an executor who has not proved the will (whether or not he

has renounced probate); and regard shall be had to any knowledge acquired by any such person while a personal representative or previously.

- (7) If there is more than one personal representative, and their dates of knowledge are different, subsection (5)(b) shall be read as referring to the earliest of those dates.

### **11A Actions in respect of defective products**

- (1) This section shall apply to an action for damages by virtue of any provision of Part I of the *Consumer Protection Act 1991*.
- (2) None of the time limits given in the preceding provisions of this Act shall apply to an action to which this section applies.
- (3) An action to which this section applies shall not be brought after the expiration of the period of 10 years from the relevant time, within the meaning of section 3 of the said Act of 1991; and this subsection shall operate to extinguish a right of action and shall do so whether or not that right of action had accrued, or time under the following provisions of this Act had begun to run, at the end of the said period of 10 years.
- (4) Subject to subsection (5) an action to which this section applies in which the damages claimed by the plaintiff consist of or include damages in respect of personal injuries to the plaintiff or any other person or loss of or damage to any property, shall not be brought after the expiration of the period of 3 years from whichever is the later of —
- (a) the date on which the cause of action accrued; and
  - (b) the date of knowledge of the injured person or, in the case of loss of or damage to property, the date of knowledge of the plaintiff or (if earlier) of any person in whom his cause of action was previously vested.
- (5) If in a case where the damages claimed by the plaintiff consist of or include damages in respect of personal injuries to the plaintiff or any other person the injured person died before the expiration of the period mentioned in subsection (4), that subsection shall have effect as respects the cause of action surviving for the benefit of his estate by virtue of section 1 of the *Law Reform (Miscellaneous Provisions) Act 1938* as if for the reference to that period there were substituted a reference to the period of 3 years from whichever is the later of —
- (a) the date of death; and
  - (b) the date of the personal representative's knowledge.
- (6) For the purposes of this section “personal representative” includes any person who is or has been a personal representative of the deceased, including 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; and regard shall be had to any knowledge acquired by any such person while a personal representative or previously.

- (7) If there is more than one personal representative and their dates of knowledge are different, subsection (5)(b) shall be read as referring to the earliest of those dates.
- (8) Expressions used in this section or section 15 and in Part I of the *Consumer Protection Act 1991* have the same meanings in this section or that section as in that Part.<sup>5</sup>

## 12 Special time limit for actions under Fatal Accidents legislation

[P1980/58/12; 1981/33/1; VI p240/42B]

- (1) An action under the *Fatal Accidents Act 1981* shall not be brought if the death occurred when the person injured could no longer maintain an action and recover damages in respect of the injury (whether because of a time limit in this Act or in any other Act, or for any other reason).

Where any such action by the injured person would have been barred by the time limit in section 11 or 11A, no account shall be taken of the possibility of that time limit being overridden under section 31.<sup>6</sup>

- (2) None of the time limits given in the preceding provisions of this Act shall apply to an action under the *Fatal Accidents Act 1981*, but no such action shall be brought after the expiration of 3 years from —
  - (a) the date of death; or
  - (b) the date of knowledge of the person for whose benefit the action is brought;

whichever is the later.

- (3) An action under the *Fatal Accidents Act 1981* shall be one to which sections 26, 30 and 32 apply, and the application to any such action of the time limit under subsection (2) shall be subject to section 37; but otherwise Parts II and III shall not apply to any such action.

## 13 Operation of time limit under section 12 in relation to different dependants

[P1980/58/13; 1981/33/1; VI p240/42C]

- (1) Where there is more than one person for whose benefit an action under the *Fatal Accidents Act 1981* is brought, section 12(2)(b) shall be applied separately to each of them.
- (2) Subject to subsection (3), if by virtue of subsection (1) the action would be outside the time limit given by section 12(2) as regards one or more, but not all, of the persons for whose benefit it is brought, the court shall

direct that any person as regards whom the action would be outside that limit shall be excluded from those for whom the action is brought.

- (3) The court shall not give such a direction if it is shown that, if the action were brought exclusively for the benefit of the person in question, it would not be defeated by a defence of limitation (whether in consequence of section 26 or an agreement between the parties not to raise the defence, or otherwise).

#### **14 Special time limit for certain other actions**

- (1) This section applies to any action for damages for negligence, nuisance or breach of duty (whether the duty exists by virtue of a contract or of provision made by or under an enactment or independently of any contract or any such provision), other than —
- (a) an action to which section 11 or 11A applies; or<sup>7</sup>
  - (b) an action under the *Fatal Accidents Act 1981*.
- (2) None of the time-limits given in the preceding provisions of this Act shall apply to an action to which this section applies.
- (3) An action to which this section applies shall not be brought after the expiration of —
- (a) 6 years from the date of the act or omission which is alleged to constitute negligence, nuisance or breach of duty; or
  - (b) 3 years from the date of knowledge of the plaintiff;
- whichever period last expires, but not in any case after the expiration of 15 years from the date referred to in paragraph (a).

#### **15 Definition of date of knowledge for purposes of sections 11, 12 and 14**

[P1980/58/14; 1981/33/1; VI p240/42A]

- (1) Subject to subsection (1A), in sections 11, 12 and 14 references to a person's date of knowledge are references to the date on which he first had knowledge of the following facts —
- (a) that the injury, loss or damage in question was significant; and
  - (b) that the injury, loss or damage was attributable in whole or in part to the act or omission which is alleged to constitute negligence, nuisance or breach of duty; and
  - (c) the identity of the defendant; and
  - (d) if it is alleged that the act or omission was that of a person other than the defendant, the identity of that person and the additional facts supporting the bringing of an action against the defendant;
- and knowledge that any acts or omissions did or did not, as a matter of law, involve negligence, nuisance or breach of duty is irrelevant.<sup>8</sup>



(1A) In section 11A and in section 12 so far as that section applies to an action by virtue of section 5(1) of the *Consumer Protection Act 1991* (death caused by defective product) references to a person's date of knowledge are references to the date on which he first had knowledge of the following facts —

- (a) such facts about the damage caused by the defect as would lead a reasonable person who had suffered such damage to consider it sufficiently serious to justify his instituting proceedings for damages against a defendant who did not dispute liability and was able to satisfy a judgment; and
- (b) that the damage was wholly or partly attributable to the facts and circumstances alleged to constitute the defect; and
- (c) the identity of the defendant;

but, in determining the date on which a person first had such knowledge there shall be disregarded both the extent (if any) of that person's knowledge on any date of whether particular facts or circumstances would or would not, as a matter of law, constitute a defect and, in a case relating to loss of or damage to property, any knowledge which that person had on a date on which he had no right of action by virtue of Part I of that Act in respect of the loss or damage.<sup>9</sup>

(2) For the purposes of this section injury, loss or damage is significant if the person whose date of knowledge is in question would reasonably have considered it sufficiently serious to justify his instituting proceedings for damages against a defendant who did not dispute liability and was able to satisfy a judgment.

(3) For the purposes of this section a person's knowledge includes knowledge which he might reasonably have been expected to acquire —

- (a) from facts observable or ascertainable by him; or
- (b) from facts ascertainable by him with the help of medical or other appropriate expert advice which it is reasonable for him to seek;

but a person shall not be fixed under this subsection with knowledge of a fact ascertainable only with the help of expert advice so long as he has taken all reasonable steps to obtain (and, where appropriate, to act on) that advice.

*Actions to recover land, rent and dower*

## 16 Time limit for actions to recover land

[P1980/58/15; VI p240/5]

(1) No action shall be brought by any person to recover any land after the expiration of 21 years from the date on which the right of action accrued

to him or, if it first accrued to some person through whom he claims, to that person.

- (2) Schedule 1 contains provisions for determining the date of accrual of rights of action to recover land in the cases there mentioned.<sup>10</sup>
- (3) [Repealed]<sup>11</sup>

### **17 Extinction of title to land after expiration of time limit**

[P1980/58/17; VI p240/49; VII p485/4]

Subject to section 18, at the expiration of the period prescribed by this Act for any person to bring an action to recover land, the title of that person to the land shall be extinguished.

### **18 Land held on trust**

[P1980/58/18; VI p240/15]

- (1) Subject to section 21(1) and (2), the provisions of this Act shall apply to equitable interests in land, including interests in the proceeds of the sale of land held upon trust for sale, as they apply to legal estates.
- (2) Accordingly a right of action to recover the land shall, for the purposes of this Act but not otherwise, be treated as accruing to a person entitled to such an equitable interest 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 Part I of Schedule 1 shall apply in any such case accordingly).

### **19 Time limit for actions to recover rent or dower**

[P1980/58/19; VI p240/27, 28 and 42(1)]

No action shall be brought, or distress made, to recover arrears of rent or dower or damages in respect of arrears of rent or dower after the expiration of 6 years from the date on which the arrears became due.

*Actions to recover mortgage debt or proceeds of sale of land*

### **20 Time limit for actions to recover mortgage debt or proceeds of sale of land<sup>12</sup>**

- (1) No action shall be brought to recover —
  - (a) any principal sum of money secured by a mortgage or other charge on land; or
  - (b) proceeds of the sale of land;after the expiration of 21 years from the date on which the right to receive the money accrued.

- (2) No action to recover arrears of interest payable in respect of any sum of money secured by a mortgage or other charge or payable in respect of proceeds of the sale of land, or to recover damages in respect of such arrears, shall be brought after the expiration of 6 years from the date on which the interest became due.

*Actions in respect of trust property or personal estate*

## **21 Time limit for actions in respect of trust property**

[P1980/58/21]

- (1) No period of limitation prescribed by this Act shall apply to an action by a beneficiary under a trust, being an action —
- (a) in respect of any fraud, fraudulent breach of trust or corrupt conduct to which the trustee was a party or privy; or<sup>13</sup>
- (b) to recover from the trustee trust property or the proceeds of trust property in the possession of the trustee, or previously received by the trustee and converted to his use.

- (2) Where a trustee who is also a beneficiary under the trust receives or retains trust property or its proceeds as his share on a distribution of trust property under the trust, his liability in any action brought by virtue of subsection (1)(b) above to recover that property or its proceeds after the expiration of the period of limitation prescribed by this Act for bringing an action to recover trust property shall be limited to the excess over his proper share.

This subsection only applies if the trustee acted honestly and reasonably in making the distribution.

- (3) Subject to subsections (1) and (2), an action by a beneficiary to recover trust property or in respect of any breach of trust, not being an action for which a period of limitation is prescribed by any other provision of this Act, shall not be brought after the expiration of 6 years from the date on which the right of action accrued.

For the purposes of this subsection, the right of action shall not be treated as having accrued to any beneficiary entitled to a future interest in the trust property until the interest fell into possession.

- (4) No beneficiary as against whom there would be a good defence under this Act shall derive any greater or other benefit from a judgment or order obtained by any other beneficiary than he could have obtained if he had brought the action and this Act had been pleaded in defence.

## **22 Time limit for actions claiming personal estate of a deceased person**

[P1980/58/22; VI p240/41]

Subject to section 21(1) and (2) —

- (a) no action in respect of any claim to the personal estate of a deceased person or to any share or interest in any such estate (whether under a will or on intestacy) shall be brought after the expiration of 21 years from the date on which the right to receive the share or interest accrued; and
- (b) no action to recover arrears of interest in respect of any legacy, or damages in respect of such arrears, shall be brought after the expiration of 6 years from the date on which the interest became due.

*Actions for an account*

**23 Time limit in respect of actions for an account**

[P1980/58/23]

An action for an account shall not be brought after the expiration of any time limit under this Act which is applicable to the claim which is the basis of the duty to account.

*Miscellaneous and supplemental*

**24 Time limit for actions to enforce judgments**

[P1980/58/24; VI p240/40]

- (1) An action shall not be brought upon any judgment after the expiration of 6 years from the date on which the judgment became enforceable.
- (2) No arrears of interest in respect of any judgment debt shall be recovered after the expiration of 6 years from the date on which the interest became due.

**25 Period between death and grant of representation**

[VI p240/48]

- (1) Subject to subsection (2), if a right of action by or against a deceased person accrued during his lifetime, the period between his death and the grant of representation of his estate shall, for the purposes of any action by or against the personal representative of that person, be disregarded in calculating any period of limitation prescribed by this Act.
- (2) This section does not apply to an action to which section 8, 16 or 20(1) applies.

## PART II – EXTENSION OR EXCLUSION OF ORDINARY TIME LIMITS

### *Disability*

#### **26 Extension of limitation period in case of disability**

[P1980/58/28; 1981/33/2]

- (1) Subject to the following provisions of this section, if on the date when any right of action accrued for which a period of limitation is prescribed by this Act, the person to whom it accrued was under a disability, the action may be brought at any time before the expiration of 6 years from the date when he ceased to be under a disability or died (whichever first occurred) notwithstanding that the period of limitation has expired.
- (2) This section shall not affect any case where the right of action first accrued to some person (not under a disability) through whom the person under a disability claims.
- (3) When a right of action which has accrued to a person under a disability accrues, on the death of that person while still under a disability, to another person under a disability, no further extension of time shall be allowed by reason of the disability of the second person.
- (4) This section does not apply to an action to which section 8, 16 or 20(1) applies.
- (4A) If the action is one to which section 4A applies, subsection (1) shall have effect –
  - (a) in the case of an action for libel or slander, as if for the words “at any time” to “occurred)” there were substituted the words “by him at any time before the expiration of one year from the date on which he ceased to be under a disability”; and
  - (b) in the case of an action for slander of title, slander of goods or other malicious falsehood, as if for the words “6 years” there were substituted the words “one year”.<sup>14</sup>
- (5) This section does not apply to an action to recover a penalty or forfeiture by virtue of any enactment, except where the action is brought by an aggrieved party.
- (6) If the action is one to which section 10 applies, subsection (1) shall have effect as if for the words “6 years” there were substituted the words “2 years”.
- (7) If the action is one to which section 11 or 12(2) applies, subsection (1) shall have effect as if for the words “6 years” there were substituted the words “3 years”.

- (8) If the action is one to which section 11A applies or one by virtue of section 5(1) of the *Consumer Protection Act 1991* (death caused by defective product), subsection (1) —
- (a) shall not apply to the time limit prescribed by section 11A(3) or to that time limit as applied by virtue of section 12(1); and
  - (b) in relation to any other time limit prescribed by this Act shall have effect as if for “6 years” there were substituted “3 years”.<sup>15</sup>

## 26A Extension in case to which s 14(3)(b) applies

[P1980/58/28A; P1986/37/2]

- (1) Subject to subsection (2), if in the case of any action for which a period of limitation is prescribed by section 14 —
- (a) the period applicable in accordance with section 14(3) is the period of 3 years mentioned in section 14(3)(b);
  - (b) on the date from which that period is calculated the plaintiff or other person in question was under a disability; and
  - (c) section 26 does not apply to the action;
- the action may be brought at any time before the expiration of 3 years from the date when he ceased to be under a disability or died (whichever first occurred), notwithstanding that the period mentioned in section 14(3)(b) has expired.
- (2) An action may not be brought by virtue of subsection (1) after the end of the period of 15 years prescribed by section 14(3).<sup>16</sup>

### *Acknowledgment and part payment*

## 27 Fresh accrual of action on acknowledgment or part payment

[P1980/58/29; VI p240/10, 26 etc.]

- (1) Where any right of action to recover land has accrued, and the person in possession of the land acknowledges the title of the person to whom the right of action has accrued, the right shall be treated as having accrued on and not before the date of the acknowledgment.
- (2) Subject to subsection (3), where any right of action has accrued to recover —
- (a) any debt or other pecuniary claim; or
  - (b) any claim to the personal estate of a deceased person or to any share or interest in any such estate;

and the person liable or accountable for the claim acknowledges the claim or makes any payment in respect of it the right shall be treated as having accrued on and not before the date of the acknowledgment or payment.

- (3) A payment of a part of the rent, dower or interest due at any time shall not extend the period for claiming the remainder then due, but any payment of interest shall be treated as a payment in respect of the principal debt.
- (4) Subject to subsection (3), a current period of limitation may be repeatedly extended under this section by further acknowledgments or payments, but a right of action, once barred by this Act, shall not be revived by any subsequent acknowledgment or payment.

## **28 Formal provisions as to acknowledgments and part payments**

[P1980/58/30; VI p240/10, 26 etc.]

- (1) To be effective for the purposes of section 27 an acknowledgment must be in writing and signed by the person making it.
- (2) For the purposes of section 27, any acknowledgment or payment —
  - (a) may be made by the agent of the person by whom it is required to be made under that section; and
  - (b) shall be made to the person, or to an agent of the person, whose title or claim is being acknowledged or, as the case may be, in respect of whose claim the payment is being made.

## **29 Effect of acknowledgment or part payment on persons other than the maker or recipient**

[P1980/58/31; VI p240/13, 43]

- (1) An acknowledgment of the title to any land by any person in possession of it shall bind all other persons in possession during the ensuing period of limitation.
- (2) An acknowledgment of any debt or other pecuniary claim shall bind the acknowledgor and his successors but not any other person.
- (3) A payment made in respect of any debt or other pecuniary claim shall bind all persons liable in respect of the debt or claim.
- (4) Where a rentcharge has been apportioned, but the apportionment is not binding on the person entitled thereto, payment in respect of the rent shall bind all persons liable in respect of the rent.
- (5) An acknowledgment by one of several personal representatives of any claim to the personal estate of a deceased person or to any share or interest in any such estate, or a payment by one of several personal representatives in respect of any such claim, shall bind the estate of the deceased person.
- (6) In this section “successor”, in relation to any person liable in respect of any debt or claim, means his personal representatives and any other person on whom the liability in respect of the debt or claim devolves (whether on death or bankruptcy or the disposition of property or the

determination of a limited estate or interest in settled property or otherwise).

*Fraud, concealment and mistake*

**30 Postponement of limitation period in case of fraud, corrupt conduct, concealment or mistake**

[P1980/58/32; VI p240/19]

- (1) Subject to subsections (3) and (4A), when in the case of any action for which a period of limitation is prescribed by this Act, either —
- (a) the action is based upon the fraud of the defendant; or
  - (aa) the action is based on the corrupt conduct of the defendant; or<sup>17</sup>
  - (b) any fact relevant to the plaintiff's right of action has been deliberately concealed from him by the defendant; or
  - (c) the action is for relief from the consequences of a mistake;

the period of limitation shall not begin to run until the plaintiff has discovered the fraud, corrupt conduct, concealment or mistake (as the case may be) or could with reasonable diligence have discovered it.

References in this subsection to the defendant include references to the defendant's agent and to any person through whom the defendant claims and his agent.<sup>18</sup>

- (2) For the purposes of subsection (1) deliberate commission of a breach of duty in circumstances in which it is unlikely to be discovered for some time amounts to deliberate concealment of the facts involved in that breach of duty.
- (3) Nothing in this section shall enable any action —
- (a) to recover, or recover the value of, any property; or
  - (b) to enforce any charge against, or set aside any transaction affecting, any property;

to be brought against the purchaser of the property 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 fraud, corrupt conduct or concealment or (as the case may be) the transaction in which the mistake was made took place.<sup>19</sup>

- (4) A purchaser is an innocent third party for the purposes of this section —
- (a) in the case of fraud, corrupt conduct or concealment of any fact relevant to the plaintiff's right of action, if he was not a party to the fraud or corrupt conduct or (as the case may be) to the concealment of the fact and did not at the time of the purchase know or have reason to believe that the fraud, corrupt conduct or concealment had taken place; and<sup>20</sup>



- (b) in the case of mistake, if he did not at the time of the purchase know or have reason to believe that the mistake had been made.
- (4A) Subsection (1) shall not apply in relation to the time limit prescribed by section 11A(3) or in relation to that time limit as applied by virtue of section 12(1).<sup>21</sup>
- (5) Section 14 shall not apply to any action to which subsection (1)(b) applies (and accordingly the period of limitation referred to in that subsection, in any case to which section 14 would otherwise apply, is the period applicable under section 2).<sup>22</sup>

*Discretionary exclusion of time limit for actions for defamation or malicious falsehood*<sup>23</sup>

### **30A Discretionary exclusion of time limit for actions for defamation or malicious falsehood**

[1996/31/5]

- (1) If it appears to the court that it would be equitable to allow an action to proceed having regard to the degree to which —
  - (a) the operation of section 4A prejudices the plaintiff or any person whom he represents, and
  - (b) any decision of the court under this subsection would prejudice the defendant or any person whom he represents,the court may direct that that section shall not apply to the action or shall not apply to any specified cause of action to which the action relates.
- (2) In acting under this section the court shall have regard to all the circumstances of the case and in particular to —
  - (a) the length of, and the reasons for, the delay on the part of the plaintiff;
  - (b) where the reason or one of the reasons for the delay was that all or any of the facts relevant to the cause of action did not become known to the plaintiff until after the end of the period mentioned in section 4A —
    - (i) the date on which any of the facts did become known to him, and
    - (ii) the extent to which he acted promptly and reasonably once he knew whether or not the facts in question might be capable of giving rise to an action, and
  - (c) the extent to which, having regard to the delay, relevant evidence is likely —
    - (i) to be unavailable, or
    - (ii) to be less cogent than if the action had been brought within the period mentioned in section 4A.

- (3) In the case of an action for slander of title, slander of goods or other malicious falsehood brought by a personal representative —
- (a) the references in subsection (2) to the plaintiff shall be construed as including the deceased person to whom the cause of action accrued and any previous personal representative of that person; and
  - (b) nothing in section 26(3) shall be construed as affecting the court's discretion under this section.<sup>24</sup>

*Discretionary exclusion of time limit for actions in respect of personal injuries or death*

**31 Discretionary exclusion of time limit for actions in respect of personal injuries or death**

[P1980/58/33; 1981/33/1; VI p240/42D]

- (1) If it appears to the court that it would be equitable to allow an action to proceed having regard to the degree to which —
- (a) the provisions of section 11 or 11A or 12 prejudice the plaintiff or any person whom he represents; and<sup>25</sup>
  - (b) any decision of the court under this subsection would prejudice the defendant or any person whom he represents;

the court may direct that those provisions shall not apply to the action, or shall not apply to any specified cause of action to which the action relates.

- (1A) The court shall not under this section disapply —
- (a) section 11A(3); or
  - (b) where the damages claimed by the plaintiff are confined to damages for loss of or damage to any property, any other provision in its application to an action by virtue of Part I of the *Consumer Protection Act 1991*.<sup>26</sup>
- (2) The court shall not under this section disapply section 12(1) except where the reason why the person injured could no longer maintain an action was because of the time limit in section 11 or section 11A(4).

If, for example, the person injured could at his death no longer maintain an action under the *Fatal Accidents Act 1981* because of the time limit in Article 29 in Schedule 1 to the *Carriage by Air Act 1961* (an Act of Parliament), the court has no power to direct that section 12(1) shall not apply.<sup>27</sup>

- (3) In acting under this section the court shall have regard to all the circumstances of the case and in particular to —
- (a) the length of, and the reasons for, the delay on the part of the plaintiff;

- (b) the extent to which, having regard to the delay, the evidence adduced or likely to be adduced by the plaintiff or the defendant is or is likely to be less cogent than if the action had been brought within the time allowed by section 11, by section 11A or (as the case may be) by section 12;<sup>28</sup>
  - (c) 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 plaintiff for information or inspection for the purpose of ascertaining facts which were or might be relevant to the plaintiff's cause of action against the defendant;
  - (d) the duration of any disability of the plaintiff arising after the date of the accrual of the cause of action;
  - (e) the extent to which the plaintiff acted promptly and reasonably once he knew whether or not the act or omission of the defendant, to which the injury was attributable, might be capable at any time of giving rise to an action for damages;
  - (f) the steps, if any, taken by the plaintiff to obtain medical, legal or other expert advice and the nature of any such advice he may have received.
- (4) In a case where the person injured died when, because of section 11 or section 11A(4), he could no longer maintain an action and recover damages in respect of the injury, the court shall have regard in particular to the length of, and the reasons for, the delay on the part of the deceased.<sup>29</sup>
- (5) In a case under subsection (4), or any other case where the time limit, or one of the time limits, depends on the date of knowledge of a person other than the plaintiff, subsection (3) shall have effect with appropriate modifications, and shall have effect in particular as if references to the plaintiff included references to any person whose date of knowledge is or was relevant in determining a time limit.
- (6) A direction by the court disapplying the provisions of section 12(1) shall operate to disapply the provisions to the same effect in section 1(1) of the *Fatal Accidents Act 1981*.
- (7) In this section "the court" means the court in which the action has been brought.
- (8) References in this section to section 11 or 11A include references to that section as extended by any of the preceding provisions of this Part or by any provision of Part III.<sup>30</sup>

## PART III – MISCELLANEOUS AND GENERAL

### 32 Set-off and counterclaim

For the purposes of this Act, any claim by way of set-off or counterclaim shall be deemed to be a separate action and to have been commenced on the same date as the action in which the set-off or counterclaim is pleaded.

### 33 Equitable jurisdiction and remedies

[P1980/58/36; VI p240/20]

- (1) The following time limits under this Act, that is to say —
- (a) the time limit under section 2 for actions founded on tort;
  - (aa) the time limit under section 4A for actions for libel or slander, or for slander of title, slander of goods or other malicious falsehood;<sup>31</sup>
  - (b) the time limit under section 5 for actions founded on simple contract;
  - (c) the time limit under section 7 for actions to enforce awards where the submission is not by a specialty;
  - (d) the time limit under section 8 for actions on a specialty;
  - (e) the time limit under section 9 for actions to recover a sum recoverable by virtue of any enactment; and
  - (f) the time limit under section 24 for actions to enforce a judgment;
- shall not apply to any claim for specific performance of a contract or for an injunction or for other equitable relief, except in so far as any such time limit may be applied by the court by analogy in like manner as the corresponding time limit under any enactment repealed by this Act was applied before the commencement of this Act.
- (2) Nothing in this Act shall affect any equitable jurisdiction to refuse relief on the grounds of acquiescence or otherwise.

### 34 Prescription

[VI p240/32-38]

- (1) Any right over land which has been enjoyed as of right without interruption for the appropriate period shall be deemed absolute and indefeasible, unless it is shown that it was enjoyed by virtue of an express agreement or consent in writing.
- (2) In subsection (1) “the appropriate period” means —
- (a) in relation to an easement, 21 years; and
  - (b) in relation to a right of common or other profit or benefit, 60 years.

- (3) [Repealed]<sup>32</sup>
- (4) In relation to any right over land, any period mentioned in subsection (2) shall be calculated as the period up to the commencement of the proceedings in which the right is brought into question.
- (5) An interruption in the enjoyment of any right shall be disregarded for the purposes of this section unless it is submitted to or acquiesced in for one year after the party interrupted has notice thereof and of the person making the interruption or authorising it to be made.
- (6) No presumption shall be made in support of a claim on proof of the enjoyment of a right for any less period than a period mentioned in relation thereto in subsection (2).
- (7) In calculating the appropriate period for the purpose of subsection (1) there shall be disregarded any period during which proceedings were pending, or were prosecuted until abated by the death of a party thereto.

### 35 Application to the Crown

[P1980/58/36; VI p240/20]

- (1) Except as otherwise expressly provided in this Act, and without prejudice to section 37, this Act shall apply to proceedings by or against the Crown in like manner as it applies to proceedings between subjects.
- (2) Notwithstanding subsection (1), this Act shall not apply to —
  - (a) any proceedings by the Crown for the recovery of any tax or duty or interest on any tax or duty, or
  - (b) any forfeiture proceedings under the customs and excise Acts (within the meaning of the *Customs and Excise Management Act 1986*);<sup>33</sup>
- (2A) No right or title adverse to the title of the Department of Economic Development to any mines or minerals (within the meaning of the *Minerals Act 1986*) shall be capable of being acquired under this Act.<sup>34</sup>
- (3) For the purposes of this section, proceedings by or against the Crown include —
  - (a) proceedings by or against any department of the Government or officer of the Government as such; and
  - (b) proceedings by or against any government department of the United Kingdom or any officer of the Crown as such or any person acting on behalf of the Crown.<sup>35</sup>
- (4) For the purposes of this Act a proceeding by petition of right shall be treated as being commenced on the date on which the petition is presented.

### 35A Foreign limitation periods

Schedule 1A shall have effect to provide for any law relating to the limitation of actions to be treated, for the purpose of cases in which effect is given to foreign law or to determinations by foreign courts, as a matter of substance rather than as a matter of procedure.<sup>36</sup>

### 36 Interpretation

[P1980/58/38; 1974/34/Sch 7; 1981/33/Sch 1]

(1) In this Act, unless the context otherwise requires —

“**action**” includes any proceeding in a court of law, including an ecclesiastical court;

“**bill of exchange**” and “**promissory note**” have the meanings given by the *Bills of Exchange Act 1884*;

“**corrupt conduct**” means conduct which constitutes an offence under the *Corruption Act 2008* or under section 323 of the *Criminal Code 1872*;<sup>37</sup>

“**judgment**” and “**judgment debt**” include an execution;

“**land**” includes corporeal hereditaments and rentcharges and any legal or equitable estate or interest therein, including an interest in the proceeds of the sale of land held upon trust for sale, but otherwise does not include any incorporeal hereditament;

“**personal estate**” and “**personal property**” do not include chattels real;

“**personal injuries**” includes any disease and any impairment of a person’s physical or mental condition, and “**injury**” and cognate expressions shall be construed accordingly;

“**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 of land;

“**specialty**” does not include a bill of exchange or promissory note;

“**trust**” and “**trustee**” have the meanings given by the *Trustee Act 1961*.

(2) For the purposes of this Act a person shall be treated as under a disability while he is a minor, or suffering from mental disorder.

(3) For the purposes of subsection (2) a person is suffering from mental disorder if he is a person who, by reason of mental disorder within the meaning of the *Mental Health Act 1998*, is incapable of managing and administering his property and affairs.<sup>38</sup>

(4) Without prejudice to the generality of subsection (3), a person shall be conclusively presumed for the purposes of subsection (2) to be suffering from mental disorder —

- (a) while he is liable to be detained or subject to guardianship —
  - (i) under the *Mental Health Act 1998*;<sup>39</sup>
  - (ii) under the Mental Health Act 1983 or the Mental Health (Scotland) Act 1984 (Acts of Parliament) or the Mental Health (Northern Ireland) Order 1986; or<sup>40</sup>
  - (iii) in pursuance of any order for his detention as a person of unsound mind or a person suffering from mental illness made under any law for the time being in force in any of the Channel Islands (including any such law relating to criminal lunatics); or
- (b) while he is receiving treatment for mental disorder within the meaning of the *Mental Health Act 1998* as a resident in a hospital or other institution provided or registered by the Department of Health or by the Department of Social Care or provided, approved, licensed, registered or exempted from registration by a competent authority in the United Kingdom or the Channel Islands without being liable to be detained as mentioned in paragraph (a), being treatment which follows without any interval a period during which he was liable to be detained or subject to guardianship as mentioned in paragraph (a).<sup>41</sup>
- (4A) The Council of Ministers may by order amend subsection (4)(a) to take account of any change in the law of any part of the United Kingdom or any of the Channel Islands.<sup>42</sup>
- (4B) An order under subsection (4A) shall not have effect unless it is approved by Tynwald.<sup>43</sup>
- (5) [Repealed]<sup>44</sup>
- (6) Subject to subsection (7), a person shall be treated as claiming through another person if he became entitled by, through, under, or by the act of that other person to the right claimed.
- (7) A person becoming entitled to any estate or interest by virtue of a special power of appointment shall not be treated as claiming through the appointor.
- (8) References in this Act to a right of action to recover land shall include references to a right to enter into possession of the land or, in the case of rentcharges, to distrain for arrears of rent and references to the bringing of such an action shall include references to the making of such an entry or distress.
- (9) In the case of rentcharges, references in this Act to the possession of land shall be construed as references to the receipt of rent, and references to the date of dispossession or discontinuance of possession of land shall be construed as references to the date of the last receipt of rent.

- (10) References in Part II to a right of action shall include references to —
- (a) a cause of action;
  - (b) a right to receive money secured by a mortgage or charge on any property;
  - (c) a right to recover proceeds of the sale of land; and
  - (d) a right to receive a share or interest in the personal estate of a deceased person.
- (11) References in Part II to the date of the accrual of a right of action shall be construed —
- (a) in the case of an action upon a judgment, as references to the date on which the judgment became enforceable; and
  - (b) in the case of an action to recover arrears of rent, dower or interest, or damages in respect of arrears of rent, dower or interest, as references to the date on which the rent, dower or interest became due.

### **37 Saving for other limitation enactments**

[P1980/58/39]

This Act shall not apply to any action or arbitration for which a period of limitation is prescribed by or under any other statutory provision (whether passed before or after the passing of this Act) or to any action or arbitration to which the Crown is a party and for which, if it were between subjects, a period of limitation would be prescribed by or under any such other provision.

### **38 Transitional provisions and amendments**

[P1980/58/40]

- (1) Schedule 2 which contains transitional provisions, shall have effect.
- (2) The enactments specified in Schedule 3 shall have effect subject to the amendments specified in that Schedule, being amendments consequential on the provisions of this Act.
- (3) [Repealed]<sup>45</sup>

### **39 Short title and commencement**

- (1) This Act may be cited as the Limitation Act 1984.
- (2) This Act shall come into operation on the expiration of 3 months beginning on the date on which it is passed.



**SCHEDULE 1**

Section 16(2) and (3)

[P1980/58/Sch 1]

**PROVISIONS WITH RESPECT TO ACTIONS TO RECOVER  
LAND****PART I – ACCRUAL OF RIGHTS OF ACTION TO RECOVER LAND***Accrual of right of action in case of dispossession*

1. Where any person while entitled to land has been dispossessed or discontinued in his possession, the right of action of —

- (a) that person or,
- (b) a person claiming through him, or
- (c) subject to paragraph 4, a person claiming by virtue of an estate or interest expectant (whether mediately or immediately) on the determination of his interest,

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

2. Where any person brings an action to recover any land of a deceased person (whether under a will or on intestacy) and the deceased person —

- (a) 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
- (b) was the last person entitled to the land to be in possession of it,

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

3. Where any person brings an action to recover land, being an estate or interest in possession assured otherwise than by will to him, or to some person through whom he claims, and —

- (a) the person making the assurance was on the date when 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
- (b) no person has been in possession of the land by virtue of the assurance;

the right of action shall be treated as having accrued on the date when the assurance took effect.

*Accrual of right of action in case of reversion on lease or tenancy*

4. The right of action to recover any land shall, in a case where —
- (a) the estate or interest claimed was an estate or interest in reversion immediately expectant on the determination of a lease or tenancy; and
  - (b) no person has taken possession of the land by virtue of the estate or interest claimed;

be treated as having accrued on the date on which the estate or interest fell into possession by the determination of the lease or tenancy.

5. (1) Subject to sub-paragraph (2), a tenancy from year to year or other period shall for the purposes of this Act be treated as being determined at the expiration 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 at the date on which in accordance with this sub-paragraph the tenancy is determined.

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

6. Where —
- (a) any person is in possession of land by virtue of a lease or tenancy by which a rent is reserved; and
  - (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 or tenancy; and
  - (c) no rent is subsequently received by the person rightfully so entitled;

the right of action to recover the land of the person rightfully so entitled shall be treated as having accrued on the date when 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.

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

7. (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 any such right has accrued to a person entitled to an estate or interest in reversion immediately expectant on the determination of a lease or tenancy, and the

land was not recovered by virtue of that right, the right of action to recover the land shall not be treated as having accrued to that person until such determination as if no such forfeiture or breach of condition had occurred.

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

8. (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 the period of limitation can run (referred to below in this paragraph as “adverse possession”); and where under the preceding provisions of this Schedule any such right of action is treated as accruing on a certain date and no person is in adverse possession on that date, the right of action shall not be treated as accruing unless and until adverse possession is taken of the land.

(2) Where a right of action to recover land has accrued and after its accrual, before the right is barred, the land ceases to be in adverse possession, 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.

(3) 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
- (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.

(4) 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 fact that his occupation is not inconsistent with the latter’s present or future enjoyment of the land.

This provision 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.

*Possession of beneficiary not adverse to others interested in land held on trust for sale*

9. Where any land held on trust for sale is in the possession of a person entitled to a beneficial interest in the proceeds of sale (not being a person solely or absolutely entitled to the proceeds), 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 trustee, or to any other person entitled to a beneficial interest in the proceeds of sale.

**PART II**<sup>46</sup>

**SCHEDULE 1A<sup>47</sup>**

## Section 35A

[P1984/16/1-4]

**FOREIGN LIMITATION PERIODS***Application of foreign limitation law*

1. (1) Subject to the following provisions of this Schedule, where in any action or proceedings in a court in the Island the law of any other country falls (in accordance with rules of private international law applicable by any such court) to be taken into account in the determination of any matter —

- (a) the law of that other country relating to limitation shall apply in respect of that matter for the purposes of the action or proceedings; and
- (b) (except where that matter is one in the determination of which both the law of the Island and the law of some other country fall to be taken into account) the law of the Island relating to limitation shall not so apply.

(2) The law of the Island shall determine for the purposes of any law applicable by virtue of sub-paragraph (1)(a) whether, and the time at which, proceedings have been commenced in respect of any matter.

(3) A court in the Island, in exercising in pursuance of subparagraph (1)(a) any discretion conferred by the law of any other country, shall so far as practicable exercise that discretion in the manner in which it is exercised in comparable cases by the courts of that other country.

(4) In this paragraph “law”, in relation to any country, does not include the rules of private international law applicable by the courts of that country or, in the case of the Island, this Schedule.

*Exceptions to paragraph 1*

2. (1) In any case in which the application of paragraph 1 would to any extent conflict (whether under sub-paragraph (2) or otherwise) with public policy, that paragraph shall not apply to the extent that its application would so conflict.

(2) The application of paragraph 1 in relation to any action or proceedings shall be taken to conflict with public policy to the extent that its application would cause undue hardship to a person who is, or might be made, a party to the action or proceedings.

(3) Where, under a law applicable by virtue of paragraph 1 for the purpose of any action or proceedings, a limitation period is or may be extended or interrupted in respect of the absence of a party to the action or proceedings from any specified

jurisdiction or country, so much of that law as provides for the extension or interruption shall be disregarded for those purposes.

*Foreign judgments on limitation points*

3. Where a court in any country outside the Island has determined any matter wholly or partly by reference to the law of that or any other country (including the Island) relating to limitation, then, for the purposes of the law relating to the effect to be given in the Island to that determination, that court shall, to the extent that it has so determined the matter, be deemed to have determined it on its merits.

*Meaning of law relating to limitation*

4. (1) Subject to sub-paragraph (2), references in this Schedule to the law of any country (including the Island) relating to limitation shall, in relation to any matter, be construed as references to so much of the procedural and substantive law applicable, apart from any rules of private international law, by the courts of that country as (in any manner) makes provision with respect to a limitation period applicable to the bringing of proceedings in respect of that matter in those courts, and include —

- (a) references to so much of that law as relates to, and to the effect of, the application, extension, reduction or interruption of that period; and
- (b) a reference, where under that law there is no limitation period which is so applicable, to the rule that such proceedings may be brought within an indefinite period.

(2) References in this Schedule to the law of the Island relating to limitation do not include the rules of the equitable jurisdiction referred to in section 33(2); but, in applying those rules to a case in which the law of any country outside the Island is applicable by virtue of paragraph 1(1)(a) (not being a law that provides for a limitation period that has expired), a court in the Island shall have regard in particular to the provisions of the law that is so applicable.

## SCHEDULE 2

[Section 38(1)]

### TRANSITIONAL PROVISIONS

1. Nothing in this Act shall affect the operation of section 4 of the Limitation Act 1965, as it had effect immediately before 1st January 1982 (being the date on which the *Civil Liability (Contribution) Act 1981* came into force), in relation to any case where the damage in question occurred before that date.

2. It is hereby declared that a decision taken at any time by a court to grant, or not to grant, leave under section 1 of the Limitation Act 1965 does not affect the determination of any question in proceedings under any provision of this Act which corresponds to a provision of the *Limitation (Miscellaneous Provisions) Act 1981*, but in such proceedings account may be taken of evidence admitted in proceedings under section 1 of the *Limitation Act 1965*.

3. (1) In section 31(6) the reference to section 1(1) of the *Fatal Accidents Act 1981* shall be construed as including a reference to section 2 of the *Fatal Accidents Act 1852*.

(2) Any other reference in section 31(6) or in section 12, 13 or 14 to the *Fatal Accidents Act 1981* shall be construed as including a reference to the *Fatal Accidents Act 1852*.

4. Notwithstanding anything in section 27(4) or in the repeals made by this Act, the Statute of Limitations 1891 shall continue to have effect in relation to any acknowledgment or payment made before the commencement of this Act as it had effect immediately before such commencement.

5. In relation to a cause of action arising before the 1st April 1972, a person who had not then attained the age of 21 years shall be treated as having ceased to be a minor on, and not before, attaining that age.

6. (1) Subject to sub-paragraph (2), nothing in any provision of this Act shall —

- (a) enable any action to be brought which was barred by the Statute of Limitations 1891 before the commencement of this Act; or
- (b) affect any action or arbitration commenced before such commencement or the title to any property which is the subject of any such action or arbitration.

(2) Sub-paragraph (1) does not apply to an action to recover land by any of the bodies referred to in section 36(5), not being an action which would have been barred by the said Statute if it had been brought by the Crown.

7. Nothing in any provision of this Act shall enable an action to be brought which could not have been brought before the commencement of this Act by virtue of section 45 or 46 of the Statute of Limitations 1891.

**SCHEDULE 3**  
**CONSEQUENTIAL AMENDMENTS**

Section 38(2)

[Sch 3 amends the following Acts —

Law Reform (Contributory Negligence) Act 1946 q.v.

Trustee Act 1961 q.v.

Animals Act 1981 q.v.

Land Registration Act 1982 q.v.]

**SCHEDULE 4<sup>48</sup>**





## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement

### Table of Renumbered Provisions

Original	Current

### Table of Endnote References

<sup>1</sup> S 4A substituted by Law Reform Act 1997 s 12 with saving.

<sup>2</sup> S 10A inserted by Proceeds of Crime Act 2008 s 42.

<sup>3</sup> S 10B inserted by SD687/09.

<sup>4</sup> Subs (1A) inserted by Protection from Harassment Act 2000 s 6.

<sup>5</sup> S 11A inserted by Consumer Protection Act 1991 Sch 1.

<sup>6</sup> Subs (1) amended by Consumer Protection Act 1991 Sch 1.

<sup>7</sup> Para (a) amended by Consumer Protection Act 1991 Sch 1.

<sup>8</sup> Subs (1) amended by Consumer Protection Act 1991 Sch 1.

<sup>9</sup> Subs (1A) inserted by Consumer Protection Act 1991 Sch 1.

<sup>10</sup> Subs (2) amended by Limitation (Amendment) Act 1988 Sch 3.

<sup>11</sup> Subs (3) repealed by Limitation (Amendment) Act 1988 Sch 3.

<sup>12</sup> P1980/58/20; VI p240/26 and 28

<sup>13</sup> Para (a) amended by Corruption Act 2008 Sch 1.

<sup>14</sup> Subs (4A) substituted by Law Reform Act 1997 s 12 with saving.

<sup>15</sup> Subs (8) inserted by Consumer Protection Act 1991 Sch 1.

<sup>16</sup> S 26A inserted by Limitation (Amendment) Act 1988 s 1.

<sup>17</sup> Para (aa) inserted by Corruption Act 2008 Sch 1.

<sup>18</sup> Subs (1) amended by Consumer Protection Act 1991 Sch 1 and by Corruption Act 2008 Sch 1.

<sup>19</sup> Subs (3) amended by Corruption Act 2008 Sch 1.

<sup>20</sup> Para (a) amended by Corruption Act 2008 Sch 1.

<sup>21</sup> Subs (4A) inserted by Consumer Protection Act 1991 Sch 1.

<sup>22</sup> Subs (5) added by Limitation (Amendment) Act 1988 s 1.

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- <sup>23</sup> Heading substituted by Law Reform Act 1997 s 12.
- <sup>24</sup> S 30A substituted by Law Reform Act 1997 s 12 with saving.
- <sup>25</sup> Para (a) amended by Consumer Protection Act 1991 Sch 1.
- <sup>26</sup> Subs (1A) inserted by Consumer Protection Act 1991 Sch 1.
- <sup>27</sup> Subs (2) amended by Consumer Protection Act 1991 Sch 1.
- <sup>28</sup> Para (b) amended by Consumer Protection Act 1991 Sch 1.
- <sup>29</sup> Subs (4) amended by Consumer Protection Act 1991 Sch 1.
- <sup>30</sup> Subs (8) amended by Consumer Protection Act 1991 Sch 1.
- <sup>31</sup> Para (aa) substituted by Law Reform Act 1997 s 12 with saving.
- <sup>32</sup> Subs (3) repealed by Limitation (Amendment) Act 1988 Sch 3.
- <sup>33</sup> Para (b) substituted by Limitation (Amendment) Act 1988 s 3.
- <sup>34</sup> Subs (2A) inserted by Limitation (Amendment) Act 1988 s 3 and amended by SD155/10 Sch 2.
- <sup>35</sup> Subs (3) amended by Miscellaneous Provisions Act 1986 Sch 2.
- <sup>36</sup> S 35A inserted by Limitation (Amendment) Act 1988 s 4.
- <sup>37</sup> Definition of “corrupt conduct” inserted by Corruption Act 2008 Sch 1.
- <sup>38</sup> Subs (3) amended by Mental Health (Amendment) Act 2006 s 7.
- <sup>39</sup> Subpara (i) substituted by Mental Health Act 1998 Sch 5.
- <sup>40</sup> Subpara (ii) substituted by Mental Health Act 1998 Sch 5.
- <sup>41</sup> Para (b) amended by Nursing and Residential Homes Act 1988 Sch 2, by Mental Health Act 1998 Sch 5 and by SD155/10 Sch 11.
- <sup>42</sup> Subs (4A) inserted by Mental Health (Amendment) Act 2006 s 7.
- <sup>43</sup> Subs (4B) inserted by Mental Health (Amendment) Act 2006 s 7.
- <sup>44</sup> Subs (5) repealed by Miscellaneous Provisions Act 1986 Sch 2.
- <sup>45</sup> Subs (3) repealed by Statute Law Revision Act 1992 Sch 2.
- <sup>46</sup> Part II repealed by Limitation (Amendment) Act 1988 Sch 3.
- <sup>47</sup> Sch 1A inserted by Limitation (Amendment) Act 1988 Sch 1.
- <sup>48</sup> Sch 4 repealed by Statute Law Revision Act 1992 Sch 2.