

SCHEDULES

SCHEDULE 1

LIMITATION OF ACTIONS UNDER PART II

2. After section 9A of the 1958 Act there shall be inserted the following section—

“Actions in respect of defective products.

9AA.—(1) This section shall apply to an action for damages by virtue of any provision of Part II of the Consumer Protection (Northern Ireland) Order 1987.

(2) None of the time limits given in sections 8 to 9A 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 ten years from the relevant time, within the meaning of Article 7 of the said Order of 1987; 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 that period of ten 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 three 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 14 of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1937⁽¹⁾ as if for the reference to that period there were substituted a reference to the period of three 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); 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.

(1) 1937 c. 9 (N.I.)

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(8) Expressions used in this section or section 9A(6) to (9) and in Part II of the Consumer Protection (Northern Ireland) Order 1987 have the same meanings in this section or that section as in that Part; and Article 4(1) of that Order (Part II to be construed as enacted for the purpose of complying with the product liability Directive) shall apply for the purpose of construing this section and the following provisions of this Act so far as they relate to an action by virtue of any provision of that Part as it applies for the purpose of construing that Part.”.