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STATUTORY INSTRUMENTS

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**1989 No. 1339**

**The Limitation (Northern Ireland) Order 1989**

**PART IV**

**EXTENSION AND EXCLUSION OF TIME LIMITS**

*Discretionary Power of Court to Override certain Time Limits*

**[<sup>F1</sup> Court's power to override time limit: actions for defamation or malicious falsehood.**

**51.**—(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 Article 6(2) prejudice the plaintiff or any person whom he represents; and
- (b) any decision of the court under this paragraph would prejudice the defendant or any person whom he represents, the court may direct that those provisions are not to apply to the action, or are not to apply to any specified cause of action to which the action relates.

(2) In acting under this Article the court is to 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) in a case 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 expiration of the period mentioned in Article 6(2)—
  - (i) the date on which any such 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 time allowed by Article 6(2).

(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 paragraph (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 Article 48(3) shall be construed as affecting the court's discretion under this Article.

(4) In this Article “the court” means the court in which the action has been brought.]

**Changes to legislation:**

There are currently no known outstanding effects for the The Limitation (Northern Ireland) Order 1989, Section 51.