
STATUTORY INSTRUMENTS

1989 No. 1339

The Limitation (Northern Ireland) Order 1989

PART III

**ACTIONS TO RECOVER LAND, ACTIONS IN RESPECT OF
MORTGAGES OR CHARGES AND CERTAIN OTHER ACTIONS**

Actions to recover settled chattels

Actions to recover settled chattels

28.—(1) Where—

- (a) any chattels are held upon trust, including a trust for sale, and
- (b) the time limit fixed by this Order has expired for the bringing of an action to recover the chattels by the trustees,

then—

- (i) the title of the trustees is not extinguished if and so long as the right of action of any person beneficially entitled to the chattels either has not accrued or has not been barred by this Order, but
- (ii) if and when every such right of action has been so barred, the title of the trustees is extinguished.

(2) Where any chattels are held upon trust, including a trust for sale, an action to recover the chattels may be brought by the trustees on behalf of any person beneficially entitled in possession to the chattels or in the proceeds of sale whose right of action has not been barred by this Order, notwithstanding that the right of action of the trustees would apart from this provision have been barred by this Order.

(3) Where any chattels held upon trust, including a trust for sale, are in the possession of a person entitled to a beneficial interest in the chattels or in the proceeds of sale, not being a person solely and absolutely entitled thereto, for the purposes of this Order no right of action to recover the chattels is to be treated as accruing during that possession—

- (a) to any person in whom the chattels are vested as trustee; or
- (b) to any other person entitled to a beneficial interest in the chattels or the proceeds of sale.

Changes to legislation:

There are currently no known outstanding effects for the The Limitation (Northern Ireland) Order 1989, Cross Heading: Actions to recover settled chattels.