



Limitation Act 1980

1980 CHAPTER 58

PART II

EXTENSION OR EXCLUSION OF ORDINARY TIME LIMITS

^{F1} *Discretionary exclusion of time limit for actions for defamation or malicious falsehood*

Textual Amendments

F1 Cross heading and s. 32A (which were inserted by 1985 c. 61, ss. 57(4), 69(5), Sch. 9 para. 14) substituted (4.9.1996) by 1996 c. 31, ss. 5(4)(6), 19(2) (with s. 20(2))

^{F2} **32A Discretionary exclusion of time limit for actions for defamation or malicious falsehood.**

- (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 of this Act 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 such facts did become known to him, and

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- (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) above 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 28(3) of this Act shall be construed as affecting the court’s discretion under this section.
- (4) In this section “ the court ” means the court in which the action has been brought.]

Textual Amendments

F2 S. 32A (which was inserted by 1985 c. 61, ss. 57(4), 69(5), **Sch. 9 para. 14**) substituted (4.9.1996) by 1996 c. 31, **ss. 5(4)(6), 19(2)** (with s. 20(2))

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