



Limitation Act 1980

1980 CHAPTER 58

PART I

ORDINARY TIME LIMITS FOR DIFFERENT CLASSES OF ACTION

Actions in respect of wrongs causing personal injuries or death

14 Definition of date of knowledge for purposes of sections 11 and 12.

- (1) [^{F1}Subject to subsection (1A) below,] in sections 11 and 12 of this Act 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 in question was significant; and
 - (b) that the injury 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.

[^{F2}(1A) In section 11A of this Act and in section 12 of this Act so far as that section applies to an action by virtue of section 6(1)(a) of the Consumer Protection Act 1987 (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

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(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.]

(2) For the purposes of this section an injury 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.

Annotations:

Amendments (Textual)

- F1** Words inserted (1.3.1988) by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\)](#), ss. 6(6), 50(2), **Sch. 1 para. 3**
- F2** [S. 14\(1A\)](#) inserted (1.3.1988) by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\)](#), ss. 6(6), 50(2), **Sch. 1 para. 3**

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Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:

- Act modified by [S.I. 2010/2214 reg. 32\(3\)](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27C inserted by [2009 c. 25 s. 171\(1\)](#)
- s. 33A inserted by [S.I. 2011/1133 reg. 26](#)

Commencement Orders yet to be applied to the Limitation Act 1980:

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2009/1604 art. 2](#) commences ([2005 c. 4](#))
- [S.I. 2009/3096 art. 2-4](#) commences ([2009 c. 26](#))
- [S.I. 2010/816 art. 2-6 Sch.](#) commences ([2009 c. 25](#))