



Limitation Act 1980

1980 CHAPTER 58

PART III

MISCELLANEOUS AND GENERAL

38 Interpretation.

- (1) In this Act, unless the context otherwise requires—
- “action” includes any proceeding in a court of law, including an ecclesiastical court^{F1}(and see subsection (11) below);
 - “land” includes corporeal hereditaments, tithes and rent-charges and any legal or equitable estate or interest therein^{F2}. . . but except as provided above in this definition does not include any incorporeal hereditament;
 - “personal estate” and “personal property” do not include chattels real;
 - “personal injuries” includes any disease and any impairment of a person’s physical or mental condition, and “injury” and cognate expressions shall be construed accordingly;
 - “rent” includes a rentcharge and a rentservise;
 - “rentcharge” means any annuity or periodical sum of money charged upon or payable out of land, except a rent service or interest on a mortgage on land;
 - “settled land”, “statutory owner” and “tenant for life” have the same meanings respectively as in the^{M1}Settled Land Act 1925;
 - “trust” and “trustee” have the same meanings respectively as in the^{M2}Trustee Act 1925; and
 - ^{F3} . . .
- (2) For the purposes of this Act a person shall be treated as under a disability while he is an infant, or [^{F4}lacks capacity (within the meaning of the Mental Capacity Act 2005) to conduct legal proceedings].
- (3) ^{F5}
- (4) ^{F5}

Changes to legislation: There are currently no known outstanding effects for the Limitation Act 1980, Section 38. (See end of Document for details)

- (5) Subject to subsection (6) below, a person shall be treated as claiming through another person if he became entitled by, through, under, or by the act of that other person to the right claimed, and any person whose estate or interest might have been barred by a person entitled to an entailed interest in possession shall be treated as claiming through the person so entitled.
- (6) A person becoming entitled to any estate or interest by virtue of a special power of appointment shall not be treated as claiming through the appointor.
- (7) References in this Act to a right of action to recover land shall include references to a right to enter into possession of the land or, in the case of ^{F6}... tithes, to distrain for arrears of ^{F6}... tithe, and references to the bringing of such an action shall include references to the making of such an entry or distress.
- (8) References in this Act to the possession of land shall, in the case of tithes and rentcharges, be construed as references to the receipt of the tithe or rent, and references to the date of dispossession or discontinuance of possession of land shall, in the case of rent charges, be construed as references to the date of the last receipt of rent.
- (9) References in Part II of this Act to a right of action shall include references to—
- (a) a cause of action;
 - (b) a right to receive money secured by a mortgage or charge on any property;
 - (c) a right to recover proceeds of the sale of land; and
 - (d) a right to receive a share or interest in the personal estate of a deceased person.
- (10) References in Part II to the date of the accrual of a right of action shall be construed—
- (a) in the case of an action upon a judgment, as references to the date on which the judgment became enforceable; and
 - (b) in the case of an action to recover arrears of ^{F6}... interest, or damages in respect of arrears of ^{F6}... interest, as references to the date on which the ^{F6}... interest became due.
- [^{F7}(11) References in this Act to an action do not include any method of recovery of a sum recoverable under—
- (a) Part 3 of the Social Security Administration Act 1992,
 - (b) section 127(c) of the Social Security Contributions and Benefits Act 1992, or
 - (c) Part 1 of the Tax Credits Act 2002,
- other than a proceeding in a court of law.]

Textual Amendments

- F1** Words in s. 38(1) inserted (with effect in accordance with s. 108(4) of the commencing Act) by [Welfare Reform Act 2012 \(c. 5\)](#), [ss. 108\(2\)](#), [150\(1\)\(c\)](#)
- F2** Words in the definition of "land" repealed (1.1.1997) by [1996 c. 47, s. 25\(2\)](#), [Sch. 4](#) (with [ss. 24\(2\)](#), [25\(4\)\(5\)](#)); [S.I. 1996/2974](#), [art. 2](#)
- F3** Definition of "trust for sale" repealed (1.1.1997) by [1996 c. 47, s. 25\(2\)](#), [Sch. 4](#) (with [ss. 24\(2\)](#), [25\(4\)\(5\)](#)); [S.I. 1996/2974](#), [art. 2](#)
- F4** Words in s. 38(2) substituted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), [ss. 67\(1\)](#), [68\(1\)](#), [Sch. 6 para. 25\(a\)](#) (with [ss. 27-29, 62](#)); [S.I. 2007/1897](#), [art. 2\(1\)](#)
- F5** [S. 38\(3\)\(4\)](#) repealed (1.10.2007) by [The Mental Capacity Act 2005 \(c. 9\)](#), [ss. 67\(1\)\(2\)](#), [68\(1\)](#), [Sch. 6 para. 25\(b\)](#), [Sch. 7](#) (with [ss. 27-29, 62](#)); [S.I. 2007/1897](#), [art. 2\(1\)](#)

Changes to legislation: There are currently no known outstanding effects for the Limitation Act 1980, Section 38. (See end of Document for details)

- F6** Words in s. 38 omitted (6.4.2014) by virtue of [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, Sch. 14 para. 37, **Sch. 23 Pt. 4** (with s. 89); S.I. 2014/768, art. 2(1)(b)
- F7** S. 38(11) inserted (with effect in accordance with s. 108(4) of the commencing Act) by [Welfare Reform Act 2012 \(c. 5\)](#), **ss. 108(3)**, 150(1)(c)

Marginal Citations

- M1** [1925 c. 18\(98:3\)](#)
- M2** [1925 c. 19\(98:4\)](#)

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