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STATUTORY INSTRUMENTS

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**1989 No. 1339**

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

**PART II**

**ACTIONS OF CONTRACT AND TORT AND CERTAIN OTHER ACTIONS**

**Time limit: actions in respect of defective products**

**8.—**(1) This Article applies to an action for damages by virtue of any provision of Part II of the Consumer Protection (Northern Ireland) Order 1987<sup>F1</sup>.

(2) The time limits fixed by Articles 4 to 7 do not apply to an action to which this Article applies.

(3) An action to which this Article applies may not be brought after the expiration of ten years from the relevant time, within the meaning of Article 7 of that Order of 1987; and this paragraph operates to extinguish a right of action and does so whether or not that right of action had accrued, or time under the following provisions of this Order had begun to run, at the end of that period of ten years.

(4) Subject to paragraph (5), an action to which this Article applies in which the damages claimed by the plaintiff consist of or include damages in respect of personal injuries to the plaintiff or any other person or loss of or damage to any property, may not be brought after the expiration of three years from whichever is the later of—

- (a) the date on which the cause of action accrued; and
- (b) the date of knowledge of the injured person or, in the case of loss of or damage to property, the date of knowledge of the plaintiff or (if earlier) of any person in whom his cause of action was previously vested.

(5) If, in a case where the damages claimed by the plaintiff consist of or include damages in respect of personal injuries to the plaintiff or any other person, the injured person died before the expiration of the period mentioned in paragraph (4), that paragraph has effect as respects the cause of action surviving for the benefit of his estate by virtue of section 14 of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1937<sup>F2</sup> as if for the reference to that period there were substituted a reference to three years from—

- (a) the date of death; or
- (b) the date of the personal representative's knowledge,

whichever is the later.

(6) If there is more than one personal representative and their dates of knowledge are different, paragraph (5)( b ) is to be read as referring to the earliest of those dates.

(7) Expressions used in this Article or Article 7(6) to (10) and in Part II of the Consumer Protection (Northern Ireland) Order 1987<sup>F3</sup> have the same meanings in this Article or that Article as in that Part; and Article 4(1) of that Order (Part II to be construed as enacted for the purpose of complying with the product liability Directive) applies for the purpose of construing this Article and the following provisions of this Order so far as they relate to an action by virtue of any provision of that Part as it applies for the purpose of construing that Part.

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**Changes to legislation:** *There are currently no known outstanding effects for the The Limitation (Northern Ireland) Order 1989, Section 8. (See end of Document for details)*

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| <b>F1</b> | 1987 NI 20     |
| <b>F2</b> | 1937 c. 9 (NI) |
| <b>F3</b> | 1987 NI 20     |

**Changes to legislation:**

There are currently no known outstanding effects for the The Limitation (Northern Ireland) Order 1989, Section 8.