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STATUTORY INSTRUMENTS

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**1989 No. 1339**

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

**PART IV**

**EXTENSION AND EXCLUSION OF TIME LIMITS**

*Disability*

**Persons under a disability**

**47.**—(1) For the purposes of this Order, a person is under a disability while—

- (a) he is an infant; or
- (b) he is of unsound mind.

(2) For the purposes of paragraph (1) a person is of unsound mind if he is a person who, by reason of mental disorder within the meaning of the Mental Health (Northern Ireland) Order 1986<sup>F1</sup>, is incapable of managing and administering his property and affairs.

(3) Without prejudice to the generality of paragraph (2), a person is to be conclusively presumed for the purposes of that paragraph to be of unsound mind—

- (a) while he is liable to be detained in hospital for treatment or subject to guardianship under the Mental Health (Northern Ireland) Order 1986; and
- (b) while he is receiving treatment as an inpatient in any hospital or private hospital within the meaning of that Order without being liable to be detained thereunder, being treatment which follows without any interval a period during which he was liable to be detained in hospital for treatment or subject to guardianship under that Order.

<b>F1</b> 1986 NI 4
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**Extension of time limit: disability**

**48.**—(1) If, on the date when any right of action accrued for which a time limit is fixed by this Order, the person to whom it accrued was under a disability, the action may, subject to paragraphs (2) to (8), be brought at any time before the expiration of six years from the date when the person ceased to be under a disability or died, whichever event first occurred, notwithstanding that the time limit has expired.

(2) Paragraph (1) does not affect any case where the right of action first accrued to some person (not under a disability) through whom the person under a disability claims.

(3) Where a right of action which has accrued to a person under a disability accrues, on the death of that person while still under a disability, to another person under a disability, no further extension of time may be allowed by reason of the disability of the second person.

(4) None of the following—

- (a) an action to recover land or money charged on land;
- (b) an action by an incumbrancer claiming sale of land;
- (c) an action in respect of a right in the nature of a lien for money's worth in or over land for a limited period not exceeding life, such as a right of support or a right of residence, not being an exclusive right of residence in or on a specified part of the land,

may be brought by virtue of paragraph (1) by any person after the expiration of thirty years from the date on which the right of action accrued to that person or to some person through whom he claims.

(5) Where Article 7 or 9(3) applies to an action, in paragraph (1) for “six years” substitute “three years”.

(6) Where Article 8 applies to an action or the action is one by virtue of Article 9(1) of the Consumer Protection (Northern Ireland) Order 1987<sup>F2</sup> (death caused by defective product), paragraph (1)—

- (a) does not apply to the time limit fixed by Article 8(3) or to that time limit as applied by virtue of Article 9(2); and
- (b) in relation to any other time limit fixed by this Order, has effect as if for “six years” there were substituted “three years”.

[<sup>F3</sup>(7) Where the action is one to which Article 6(2) applies, paragraph (1) has effect—

- (a) in the case of an action for libel and slander, as if for the words from “at any time” to “occurred” there were substituted the words “by him at any time before the expiration of one year from the date on which he ceased to be under a disability”; and
- (b) in the case of an action for slander of title, slander of goods or other malicious falsehood, as if for the words “six years” there were substituted the words “one year”.]

(8) Where an action is to recover an amount recoverable under section 1 of the Civil Liability (Contribution) Act 1978<sup>F4</sup>, in paragraph (1) for “six years” substitute “two years”.

<b>F2</b>	1987 NI 20
<b>F3</b>	1996 c. 31
<b>F4</b>	1978 c. 47

### **Extension of time limit (disability): cases under Article 11(3)(b)**

**49.**—(1) Subject to paragraph (2), if in relation to any action for which a time limit is fixed by Article 11—

- (a) the time limit applicable in accordance with paragraph (3) of that Article is that mentioned in sub#paragraph ( b ) of that paragraph;
- (b) on the date which is for the purposes of that Article the starting date for reckoning that time limit, the person by reference to whose knowledge that date fell to be determined under paragraph (4) of that Article was under a disability; and
- (c) Article 48 does not apply to the action,

the action may be brought at any time before the expiration of three years from the date when he ceased to be under a disability or died (whichever first occurred) notwithstanding that the time limit mentioned above has expired.

(2) An action may not be brought by virtue of paragraph (1) after the end of the time limit fixed by Article 12.

**Changes to legislation:**

There are currently no known outstanding effects for the The Limitation (Northern Ireland) Order 1989, Cross Heading: Disability.