



Limitation Act 1980

1980 CHAPTER 58

PART II

EXTENSION OR EXCLUSION OF ORDINARY TIME LIMITS

Disability

28 Extension of limitation period in case of disability.

- (1) Subject to the following provisions of this section, if on the date when any right of action accrued for which a period of limitation is prescribed by this Act, the person to whom it accrued was under a disability, the action may be brought at any time before the expiration of six years from the date when he ceased to be under a disability or died (whichever first occurred) notwithstanding that the period of limitation has expired.
 - (2) This section shall 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) When 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 shall be allowed by reason of the disability of the second person.
 - (4) No action to recover land or money charged on land shall be brought by virtue of this section by any person after the expiration of thirty years from the date on which the right of action accrued to that person or some person through whom he claims.
- [^{F1}(4A) If the action is one to which section 4A of this Act applies, subsection (1) above shall have effect—
- (a) in the case of an action for libel or 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

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- (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”.]
- (5) If the action is one to which section 10 of this Act applies, subsection (1) above shall have effect as if for the words “six years” there were substituted the words “two years”.
- (6) If the action is one to which section 11 or 12(2) of this Act applies, subsection (1) above shall have effect as if for the words “six years” there were substituted the words “three years”.
- [^{F2}(7) If the action is one to which section 11A of this Act applies or one by virtue of section 6(1)(a) of the ^{M1}Consumer Protection Act 1987 (death caused by defective product), subsection (1) above—
- (a) shall not apply to the time limit prescribed by subsection (3) of the said section 11A or to that time limit as applied by virtue of section 12(1) of this Act; and
- (b) in relation to any other time limit prescribed by this Act shall have effect as if for the words “six years” there were substituted the words “three years”.]

Textual Amendments

- F1** S. 28(4A) (which was inserted by 1985 c. 61, ss. 57(3), 69(5), **Sch. 9 para. 14**) substituted (4.9.1996) by 1996 c. 31, **ss. 5(3)(6)**, 19 (with s. 20(2))
- F2** S. 28(7) inserted (1.3.1988) by Consumer Protection Act 1987 (c. 43, SIF 109:1), ss. 6(6), 50(2), **Sch. 1 para. 4**

Modifications etc. (not altering text)

- C1** S. 28 excluded by Latent Damage Act 1986 (c. 37, SIF 79), **ss. 3(3)**, 4
- C2** S. 28(1) extended with modification by Merchant Shipping (Liner Conferences) Act 1982 (c. 37, SIF 111), **s. 8(2)(a)**

Marginal Citations

- M1** 1987 c. 43(109:1)

[^{F3}28A Extension for cases where the limitation period is the period under section 14A(4)(b).

- (1) Subject to subsection (2) below, if in the case of any action for which a period of limitation is prescribed by section 14A of this Act—
- (a) the period applicable in accordance with subsection (4) of that section is the period mentioned in paragraph (b) of that subsection;
- (b) on the date which is for the purposes of that section the starting date for reckoning that period the person by reference to whose knowledge that date fell to be determined under subsection (5) of that section was under a disability; and
- (c) section 28 of this Act 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 period mentioned above has expired.

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- (2) An action may not be brought by virtue of subsection (1) above after the end of the period of limitation prescribed by section 14B of this Act.]

Textual Amendments

F3 S. 28A inserted with saving by [Latent Damage Act 1986 \(c. 37, SIF 79\)](#), **ss. 2(1), 4(1)(2)**

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