

## SCHEDULES

### SCHEDULE 2

Section 40(1).

#### TRANSITIONAL PROVISIONS

- 1 Nothing in this Act shall affect the operation of section 4 of the Limitation Act 1963, as it had effect immediately before 1 January 1979 (being the date on which the Civil Liability (Contribution) Act 1978 came in to force), in relation to any case where the damage in question occurred before that date.
- 2 The amendment made by section 14(1) of the Limitation Act 1963 in section 5 of the Limitation (Enemies and War Prisoners) Act 1945 (which provides that section 5 shall have effect as if for the words " in force in Northern Ireland at the date of the passing of this Act" there were substituted the words " for the time being in force in Northern Ireland ") shall continue to have effect notwithstanding the repeal by this Act of section 14(1).
- 3 It is hereby declared that a decision taken at any time by a court to grant, or not to grant, leave under Part I of the Limitation Act 1963 (which, so far as it related to leave, was repealed by the Limitation Act 1975) does not affect the determination of any question in proceedings under any provision of this Act which corresponds to a provision of the Limitation Act 1975, but in such proceedings account may be taken of evidence admitted in proceedings under Part I of the Limitation Act 1963.
- 4 (1) In section 33(6) of this Act the reference to section 1 (1) of the Fatal Accidents Act 1976 shall be construed as including a reference to section 1 of the Fatal Accidents Act 1846.  
(2) Any other reference in that section, or in section 12 or 13 of this Act, to the Fatal Accidents Act 1976 shall be construed as including a reference to the Fatal Accidents Act 1846.
- 5 Notwithstanding anything in section 29(7) of this Act or in the repeals made by this Act, the Limitation Act 1939 shall continue to have effect in relation to any acknowledgment or payment made before the coming into force of section 6 of the Limitation Amendment Act 1980 (which amended section 23 of the Limitation Act 1939 and made certain repeals in sections 23 and 25 of that Act so as to prevent the revival by acknowledgment or part payment of a right of action barred by that Act) as it had effect immediately before section 6 came into force.
- 6 Section 28 of the Limitation Act 1939 (provisions as to set-off or counterclaim) shall continue to apply (as originally enacted) to any claim by way of set-off or counterclaim made in an action to which section 35 of this Act does not apply, but as if the reference in section 28 to that Act were a reference to this Act; and, in relation to any such action, references in this Act to section 35 of this Act shall be construed as references to section 28 as it applies by virtue of this paragraph.
- 7 Section 37(2)(c) of this Act shall be treated for the purposes of the Hovercraft Act 1968 as if it were contained in an Act passed before that Act.

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*Status: This is the original version (as it was originally enacted).*

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- 8 In relation to a lease granted before the coming into force of section 3 (2) of the Limitation Amendment Act 1980 (which substituted " ten pounds a year " for "twenty shillings " in section 9(3) of the Limitation Act 1939), paragraph 6(1)(a) of Schedule 1 to this Act shall have effect as if for the words " ten pounds a year " there were substituted the words " twenty shillings " .
- 9 (1) Nothing in any provision of this Act shall—
- (a) enable any action to be brought which was barred by this Act or (as the case may be) by the Limitation Act 1939 before the relevant date ; or
  - (b) affect any action or arbitration commenced before that date or the title to any property which is the subject of any such action or arbitration.
- (2) In sub-paragraph (1) above " the relevant date " means—
- (a) in relation to section 35 of this Act, the date on which that section comes into force in relation to actions of the description in question or, if section 8 of the Limitation Amendment Act 1980 (which substituted the provisions reproduced in section 35 for section 28 of the Limitation Act 1939) is in force immediately before 1st May 1981 in relation to actions of that description, the date on which section 8 came into force in relation to actions of that description ; and
  - (b) in relation to any other provision of this Act, 1st August 1980 (being the date of coming into force of the remaining provisions of the Limitation Amendment Act 1980, apart from section 8).