



Limitation Act 1980

1980 CHAPTER 58

PART I

ORDINARY TIME LIMITS FOR DIFFERENT CLASSES OF ACTION

Actions in respect of wrongs causing personal injuries or death [F¹ etc]

14 Definition of date of knowledge for purposes of [F¹ sections 11 to 12].

- (1) [F²Subject to [F³subsections (1A) and (1B)] below,] in sections 11 and 12 of this Act references to a person's date of knowledge are references to the date on which he first had knowledge of the following facts—
- that the injury in question was significant; and
 - that the injury was attributable in whole or in part to the act or omission which is alleged to constitute negligence, nuisance or breach of duty; and
 - the identity of the defendant; and
 - if it is alleged that the act or omission was that of a person other than the defendant, the identity of that person and the additional facts supporting the bringing of an action against the defendant;

and knowledge that any acts or omissions did or did not, as a matter of law, involve negligence, nuisance or breach of duty is irrelevant.

[F⁴(1A) In section 11A of this Act and in section 12 of this Act so far as that section applies to an action by virtue of section 6(1)(a) of the Consumer Protection Act 1987 (death caused by defective product) references to a person's date of knowledge are references to the date on which he first had knowledge of the following facts—

- such facts about the damage caused by the defect as would lead a reasonable person who had suffered such damage to consider it sufficiently serious to justify his instituting proceedings for damages against a defendant who did not dispute liability and was able to satisfy a judgment; and
- that the damage was wholly or partly attributable to the facts and circumstances alleged to constitute the defect; and

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(c) the identity of the defendant;

but, in determining the date on which a person first had such knowledge there shall be disregarded both the extent (if any) of that person's knowledge on any date of whether particular facts or circumstances would or would not, as a matter of law, constitute a defect and, in a case relating to loss of or damage to property, any knowledge which that person had on a date on which he had no right of action by virtue of Part I of that Act in respect of the loss or damage.]

[^{F5}(1B) In section 11B of this Act and in section 12 of this Act so far as that section applies to an action by virtue of section 6(1)(a) of the Automated and Electric Vehicles Act 2018 (“the 2018 Act”) (death caused by automated vehicle) references to a person's date of knowledge are references to the date on which he first had knowledge of the following facts—

- (a) that the injury in question was significant; and
- (b) that the injury was attributable in whole or in part to an accident caused by an automated vehicle when driving itself; and
- (c) the identity of the insurer of the vehicle (in the case of an action under section 2(1) of the 2018 Act) or the owner of the vehicle (in the case of an action under section 2(2) of that Act).

Expressions used in this subsection that are defined for the purposes of Part 1 of the 2018 Act have the same meaning in this subsection as in that Part.]

- (2) For the purposes of this section an injury is significant if the person whose date of knowledge is in question would reasonably have considered it sufficiently serious to justify his instituting proceedings for damages against a defendant who did not dispute liability and was able to satisfy a judgment.
- (3) For the purposes of this section a person's knowledge includes knowledge which he might reasonably have been expected to acquire—
 - (a) from facts observable or ascertainable by him; or
 - (b) from facts ascertainable by him with the help of medical or other appropriate expert advice which it is reasonable for him to seek;

but a person shall not be fixed under this subsection with knowledge of a fact ascertainable only with the help of expert advice so long as he has taken all reasonable steps to obtain (and, where appropriate, to act on) that advice.

Textual Amendments

- F1** Words in s. 14 heading substituted (21.4.2021) by [Automated and Electric Vehicles Act 2018 \(c. 18\)](#), s. 21, [Sch. para. 13\(2\)](#); S.I. 2021/396, reg. 3(c)(d)
- F2** Words inserted (1.3.1988) by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\)](#), ss. 6(6), 50(2), [Sch. 1 para. 3](#)
- F3** Words in s. 14(1) substituted (21.4.2021) by [Automated and Electric Vehicles Act 2018 \(c. 18\)](#), s. 21, [Sch. para. 13\(3\)](#); S.I. 2021/396, reg. 3(c)(d)
- F4** S. 14(1A) inserted (1.3.1988) by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\)](#), ss. 6(6), 50(2), [Sch. 1 para. 3](#)
- F5** S. 14(1B) inserted (21.4.2021) by [Automated and Electric Vehicles Act 2018 \(c. 18\)](#), s. 21, [Sch. para. 13\(4\)](#); S.I. 2021/396, reg. 3(c)(d)

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