



Limitation Act 1980

1980 CHAPTER 58

PART II

EXTENSION OR EXCLUSION OF ORDINARY TIME LIMITS

Fraud, concealment and mistake

32 Postponement of limitation period in case of fraud, concealment or mistake.

- (1) Subject to [F1subsection (3)][F1subsections (3) [F2, (4A) and (4B)]] below, where in the case of any action for which a period of limitation is prescribed by this Act, either—
- the action is based upon the fraud of the defendant; or
 - any fact relevant to the plaintiff's right of action has been deliberately concealed from him by the defendant; or
 - the action is for relief from the consequences of a mistake;

the period of limitation shall not begin to run until the plaintiff has discovered the fraud, concealment or mistake (as the case may be) or could with reasonable diligence have discovered it.

References in this subsection to the defendant include references to the defendant's agent and to any person through whom the defendant claims and his agent.

- (2) For the purposes of subsection (1) above, deliberate commission of a breach of duty in circumstances in which it is unlikely to be discovered for some time amounts to deliberate concealment of the facts involved in that breach of duty.
- (3) Nothing in this section shall enable any action—
- to recover, or recover the value of, any property; or
 - to enforce any charge against, or set aside any transaction affecting, any property;

to be brought against the purchaser of the property or any person claiming through him in any case where the property has been purchased for valuable consideration by

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an innocent third party since the fraud or concealment or (as the case may be) the transaction in which the mistake was made took place.

- (4) A purchaser is an innocent third party for the purposes of this section—
- (a) in the case of fraud or concealment of any fact relevant to the plaintiff's right of action, if he was not a party to the fraud or (as the case may be) to the concealment of that fact and did not at the time of the purchase know or have reason to believe that the fraud or concealment had taken place; and
 - (b) in the case of mistake, if he did not at the time of the purchase know or have reason to believe that the mistake had been made.

[^{F3}(4A) Subsection (1) above shall not apply in relation to the time limit prescribed by section 11A(3) of this Act or in relation to that time limit as applied by virtue of section 12(1) of this Act.]

[^{F4}(4B) Subsection (1) above shall not apply in relation to the time limit prescribed by section 11B(2) or (4) of this Act or in relation to that time limit as applied by virtue of section 12(1) of this Act.]

[^{F5}(5) Sections 14A and 14B of this Act shall not apply to any action to which subsection (1) (b) above applies (and accordingly the period of limitation referred to in that subsection, in any case to which either of those sections would otherwise apply, is the period applicable under section 2 of this Act).]

Textual Amendments

- F1 Words “subsections (3) and (4A)” substituted (1.3.1988) for words “subsection (3)” by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\)](#), ss. 6(6), 50(2), **Sch. 1 para. 5(a)**
- F2 Words in s. 32(1) substituted (21.4.2021) by [Automated and Electric Vehicles Act 2018 \(c. 18\)](#), s. 21, **Sch. para. 15(2)**; S.I. 2021/396, reg. 3(c)(d)
- F3 S. 32(4A) inserted (1.3.1988) by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\)](#), ss. 6(6), 50(2), **Sch. 1 para. 5(b)**
- F4 S. 32(4B) inserted (21.4.2021) by [Automated and Electric Vehicles Act 2018 \(c. 18\)](#), s. 21, **Sch. para. 15(3)**; S.I. 2021/396, reg. 3(c)(d)
- F5 S. 32(5) added with saving by [Latent Damage Act 1986 \(c. 37, SIF 79\)](#), **ss. 2(2)**, 4(1)(2)

Modifications etc. (not altering text)

- C1 S. 32(1) extended by [Merchant Shipping \(Liner Conferences\) Act 1982 \(c. 37, SIF 111\)](#), **s. 8(2)(b)**
- C2 S. 32(1)(c) excluded (22.7.2004 with effect as mentioned in s. 320(1) of the amending act) by [Finance Act 2004 \(c. 12\)](#), **s. 320**
 S. 32(1)(c) excluded (19.7.2007) by [Finance Act 2007 \(c. 11\)](#), **s. 107**

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