



# Foreign Limitation Periods Act 1984

## 1984 CHAPTER 16

An Act to provide for any law relating to the limitation of actions to be treated, for the purposes of cases in which effect is given to foreign law or to determinations by foreign courts, as a matter of substance rather than as a matter of procedure. [24th May 1984]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### Modifications etc. (not altering text)

- C1 Act applied (31.1.1997) by 1996 c. 23, s.13 (with s. 81(2)); S.I. 1996/3146, art. 3  
C2 Act amended (31.1.1997) by 1996 c. 23, s. 14(1) (with s. 81(2)); S.I. 1996/3146, art.3

### Commencement Information

- II Act not in force at Royal Assent see s. 7(2); Act wholly in force at 1.10.1985

## 1 Application of foreign limitation law.

- (1) Subject to the following provisions of this Act, where in any action or proceedings in a court in England and Wales the law of any other country falls (in accordance with rules of private international law applicable by any such court) to be taken into account in the determination of any matter—
- the law of that other country relating to limitation shall apply in respect of that matter for the purposes of the action or proceedings [<sup>F1</sup>, subject to [<sup>F2</sup>sections 1A and 1B]]; and
  - except where that matter falls within subsection (2) below, the law of England and Wales relating to limitation shall not so apply.
- (2) A matter falls within this subsection if it is a matter in the determination of which both the law of England and Wales and the law of some other country fall to be taken into account.

*Status: Point in time view as at 09/01/2016.*

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- (3) The law of England and Wales shall determine for the purposes of any law applicable by virtue of subsection (1)(a) above whether, and the time at which, proceedings have been commenced in respect of any matter; and accordingly, section 35 of the <sup>M1</sup>Limitation Act 1980 (new claims in pending proceedings) shall apply in relation to time limits applicable by virtue of subsection (1)(a) above as it applies in relation to time limits under that Act.
- (4) A court in England and Wales, in exercising in pursuance of subsection (1)(a) above any discretion conferred by the law of any other country, shall so far as practicable exercise that discretion in the manner in which it is exercised in comparable cases by the courts of that other country.
- (5) In this section “law”, in relation to any country, shall not include rules of private international law applicable by the courts of that country or, in the case of England and Wales, this Act.

#### Textual Amendments

- F1** Words in s. 1(1)(a) inserted (20.5.2011) by [The Cross-Border Mediation \(EU Directive\) Regulations 2011 \(S.I. 2011/1133\)](#), regs. 2, **28** (with regs. 3, 4)
- F2** Words in s. 1(1)(a) substituted (9.7.2015) by [The Alternative Dispute Resolution for Consumer Disputes \(Amendment\) Regulations 2015 \(S.I. 2015/1392\)](#), regs. 1(2), **5(2)** (with reg. 1(3))

#### Marginal Citations

- M1** 1980 c. 58.

### [<sup>F3</sup>1A] Extension of limitation periods because of mediation of certain cross-border disputes

- (1) In this section—
- “ Mediation Directive ” means Directive [2008/52/EC](#) of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters,
  - “ mediation ” has the meaning given by article 3(a) of the Mediation Directive,
  - “ mediator ” has the meaning given by article 3(b) of the Mediation Directive, and
  - “ relevant dispute ” means a dispute to which article 8(1) of the Mediation Directive applies (certain cross-border disputes).
- (2) Subsection (3) applies where—
- a limitation period prescribed by any law applicable by virtue of section 1(1) (a) relates to the subject of the whole or part of a relevant dispute,
  - a mediation in relation to the relevant dispute starts before the period expires, and
  - if not extended by this section, the period would expire before the mediation ends or less than eight weeks after it ends.
- (3) For the purposes of initiating judicial proceedings or arbitration, the limitation period expires instead at the end of eight weeks after the mediation ends (subject to subsection (4)).

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- (4) If a limitation period has been extended by this section, subsections (2) and (3) apply to the extended limitation period as they apply to a limitation period mentioned in subsection (2)(a).
- (5) For the purposes of this section, mediation starts on the date of the agreement to mediate that is entered into by the parties and the mediator.
- (6) For the purposes of this section, a mediation ends on the date of the first of these to occur—
  - (a) the parties reach an agreement in resolution of the relevant dispute,
  - (b) a party completes the notification of the other parties that it has withdrawn from the mediation,
  - (c) a party to whom a qualifying request is made fails to give a response reaching the other parties within 14 days of the request,
  - (d) after the parties are notified that the mediator's appointment has ended (by death, resignation or otherwise), they fail to agree within 14 days to seek to appoint a replacement mediator,
  - (e) the mediation otherwise comes to an end pursuant to the terms of the agreement to mediate.
- (7) For the purpose of subsection (6), a qualifying request is a request by a party that another (A) confirm to all parties that A is continuing with the mediation.
- (8) In the case of any relevant dispute, references in this section to a mediation are references to the mediation so far as it relates to that dispute, and references to a party are to be read accordingly.
- (9) This section is without prejudice to any enactment which has effect for the purposes of provisions—
  - (a) relating to limitation or prescription periods and
  - (b) contained in an international agreement to which the United Kingdom is a party.]

#### Textual Amendments

- F3** S. 1A inserted (20.5.2011) by The Cross-Border Mediation (EU Directive) Regulations 2011 (S.I. 2011/1133), regs. 2, 29 (with regs. 3, 4)

### [<sup>F4</sup>1B Extension of limitation periods because of alternative dispute resolution in certain cross-border or domestic contractual disputes

- (1) In this section—
  - (a) “ADR Directive” means Directive 2013/11/ EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC ;
  - (b) “ADR entity” has the meaning given by article 4(1)(h) of the ADR Directive;
  - <sup>F5</sup>(c) .....
  - (d) “ADR procedure” has the meaning given by article 4(1)(g) of the ADR Directive;

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- (e) “non-binding ADR procedure” means an ADR procedure the outcome of which is not binding on the parties;
  - (f) “relevant dispute” means a dispute to which Article 12(1) of the ADR Directive applies (certain cross-border or domestic contractual disputes brought by a consumer against a trader).
- (2) Subsection (3) applies where—
- (a) a limitation period prescribed by any law applicable by virtue of section 1(1) (a) relates to the subject of the whole or part of a relevant dispute;
  - (b) a non-binding ADR procedure in relation to the relevant dispute starts before the period expires; and
  - (c) if not extended by this section, the period would expire before the non-binding ADR procedure ends or less than eight weeks after it ends.
- (3) For the purposes of initiating judicial proceedings, the limitation period expires instead at the end of eight weeks after the non-binding ADR procedure ends (subject to subsection (4)).
- (4) If a limitation period has been extended by this section, subsections (2) and (3) apply to the extended limitation period as they apply to a limitation period mentioned in subsection (2)(a).
- (5) For the purposes of this section, a non-binding ADR procedure starts in relation to a relevant dispute on the date when the dispute is first sent or otherwise communicated to the ADR entity in accordance with the entity’s rules regarding the submission of complaints.
- (6) For the purposes of this section, the non-binding ADR procedure ends on the date of the first of these to occur—
- (a) the parties reach an agreement in resolution of the relevant dispute;
  - (b) a party completes the notification of the other parties that it has withdrawn from the non-binding ADR procedure;
  - (c) a party to whom a qualifying request is made fails to give a response reaching the other parties within 14 days of the request;
  - (d) the ADR entity notifies the party that submitted the relevant dispute to the ADR entity that in accordance with its policy, the ADR entity refuses to deal with the relevant dispute;
  - (e) after the parties are notified that the ADR entity can no longer act in relation to the relevant dispute (for whatever reason), the parties fail to agree within 14 days to submit the dispute to an alternative ADR entity;
  - (f) the non-binding ADR procedure otherwise comes to an end pursuant to the rules of the ADR entity.
- (7) For the purpose of subsection (6), a qualifying request is a request by a party that another (A) confirm to all parties that A is continuing with the non-binding ADR procedure.
- (8) In the case of any relevant dispute, references in this section to a non-binding ADR procedure are references to the non-binding ADR procedure so far as it relates to that dispute, and references to a party are to be read accordingly.
- (9) This section is without prejudice to any enactment which has effect for the purposes of provisions—

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- (a) relating to limitation or prescription periods, and
- (b) contained in an international agreement to which the United Kingdom is a party.]

#### Textual Amendments

- F4** S. 1B inserted (9.7.2015) by [The Alternative Dispute Resolution for Consumer Disputes \(Amendment\) Regulations 2015 \(S.I. 2015/1392\)](#), regs. 1(2), **5(3)** (with reg. 1(3))
- F5** S. 1B(1)(c) omitted (9.1.2016) by virtue of [The Alternative Dispute Resolution for Consumer Disputes \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1972\)](#), regs. 1, **4(2)**

## 2 Exceptions to s. 1.

- (1) In any case in which the application of section 1 above would to any extent conflict (whether under subsection (2) below or otherwise) with public policy, that section shall not apply to the extent that its application would so conflict.
- (2) the application of section 1 above in relation to any action or proceedings shall conflict with public policy to the extent that its application would cause undue hardship to a person who is, or might be made, a party to the action or proceedings.
- (3) Where, under a law applicable by virtue of section 1(1)(a) above for the purposes of any action or proceedings, a limitation period is or may be extended or interrupted in respect of the absence of a party to the action or proceedings from any specified jurisdiction or country, so much of that law as provides for the extension or interruption shall be disregarded for those purposes.
- (4) In section 2(1) of the Limitation (Enemies and War Prisoners) <sup>M2</sup>Act 1945 (which in relation to cases involving enemy aliens and war prisoners extends certain limitation periods), in the definition of “statute of limitation”, at the end, there shall be inserted the words—

“and, in a case to which section 1(1) of the Foreign Limitation Periods Act 1984 applies, so much of the law of any country outside England and Wales as applies by virtue of that Act.”.

#### Marginal Citations

- M2** 1945 c. 16.

## 3 Foreign judgments on limitation points.

Where a court in any country outside England and Wales has determined any matter wholly or partly by reference to the law of that or any other country (including England and Wales) relating to limitation, then, for the purposes of the law relating to the effect to be given in England and Wales to that determination, that court shall, to the extent that it has so determined the matter, be deemed to have determined it on its merits.

## 4 Meaning of law relating to limitation.

- (1) Subject to subsection (3) below, references in this Act to the law of any country (including England and Wales) relating to limitation shall, in relation to any matter,

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be construed as references to so much of the relevant law of that country as (in any manner) makes provision with respect to a limitation period applicable to the bringing of proceedings in respect of that matter in the courts of that country and shall include—

- (a) references to so much of that law as relates to, and to the effect of, the application, extension, reduction or interruption of that period; and
- (b) a reference, where under that law there is no limitation period which is so applicable, to the rule that such proceedings may be brought within an indefinite period.

(2) In subsection (1) above “relevant law”, in relation to any country, means the procedural and substantive law applicable, apart from any rules of private international law, by the courts of that country.

(3) References in this Act to the law of England and Wales relating to limitation shall not include the rules by virtue of which a court may, in the exercise of any discretion, refuse equitable relief on the grounds of acquiescence or otherwise; but, in applying those rules to a case in relation to which the law of any country outside England and Wales is applicable by virtue of section 1(1)(a) above (not being a law that provides for a limitation period that has expired), a court in England and Wales shall have regard, in particular, to the provisions of the law that is so applicable.

F65 .....

**Textual Amendments**  
 F6 S. 5 repealed (31.1.1997) by 1996 c. 23, ss. 107(2), Sch.4; S.I. 1996/3146, art. 3

**6 Application to Crown.**

- (1) This Act applies in relation to any action or proceedings by or against the Crown as it applies in relation to actions and proceedings to which the Crown is not a party.
- (2) For the purposes of this section references to an action or proceedings by or against the Crown include references to—
  - (a) any action or proceedings by or against Her Majesty in right of the Duchy of Lancaster;
  - (b) any action or proceedings by or against any Government department or any officer of the Crown as such or any person acting on behalf of the Crown;
  - (c) any action or proceedings by or against the Duke of Cornwall.

**7 Short title, commencement, transitional provision and extent.**

- (1) This Act may be cited as the Foreign Limitation Periods Act 1984.
- (2) This Act shall come into force on such day as the Lord Chancellor may be order made by statutory instrument appoint.
- (3) Nothing in this Act shall—
  - (a) affect any action, proceedings or arbitration commenced in England and Wales before the day appointed under subsection (2) above; or

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- (b) apply in relation to any matter if the limitation period which, apart from this Act, would have been applied in respect of that matter in England and Wales expired before that day.

(4) This Act extends to England and Wales only.

#### Modifications etc. (not altering text)

- C3** S. 7(2) power of appointment conferred by s. 7(2) fully exercised: 1.10.1985 appointed by [S.I. 1985/1276, art. 2](#)

#### [<sup>F78</sup> **Disapplication of sections 1, 2 and 4 where [<sup>F8</sup>the law applicable to limitation is determined by other instruments]**

- (1) Where in proceedings in England and Wales the law of a country other than England and Wales falls to be taken into account by virtue of any choice of law rule contained in [<sup>F9</sup>the Rome I Regulation or] the Rome II Regulation, sections 1, 2 and 4 above shall not apply in respect of that matter.

[ In subsection (1) the “ Rome I Regulation ” means Regulation [\(EC\) No. 593/2008](#)<sup>F10</sup>(1A) of the European Parliament and of the Council on the law applicable to contractual obligations, including that Regulation as applied by regulation 5 of the Law Applicable to Contractual Obligations (England and Wales and Northern Ireland) Regulations 2009 (conflicts solely between the laws of different parts of the United Kingdom or between one or more parts of the United Kingdom and Gibraltar). ]

- (2) In subsection (1) the “ Rome II Regulation ” means Regulation [\(EC\) No. 864/2007](#) of the European Parliament and of the Council on the law applicable to non-contractual obligations, including that Regulation as applied by regulation 6 of the Law Applicable to Non-Contractual Obligations (England and Wales and Northern Ireland) Regulations 2008 (conflicts solely between the laws of different parts of the United Kingdom or between one or more parts of the United Kingdom and Gibraltar). ]

#### Textual Amendments

- F7** S. 8 inserted (11.1.2009) by The Law Applicable to Non-Contractual Obligations (England and Wales and Northern Ireland) Regulations 2008 (S.I. 2008/2986), regs. 1(1), **4**
- F8** Words in s. 8 heading substituted (17.12.2009) by The Law Applicable to Contractual Obligations (England and Wales and Northern Ireland) Regulations 2009 (S.I. 2009/3064), regs. 1(1), **3(2)**
- F9** Words in s. 8(1) inserted (17.12.2009) by The Law Applicable to Contractual Obligations (England and Wales and Northern Ireland) Regulations 2009 (S.I. 2009/3064), regs. 1(1), **3(3)**
- F10** S. 8(1A) inserted (17.12.2009) by The Law Applicable to Contractual Obligations (England and Wales and Northern Ireland) Regulations 2009 (S.I. 2009/3064), regs. 1(1), **3(4)**

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