



Foreign Limitation Periods Act 1984

CHAPTER 16

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ELIZABETH II



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:—

1.—(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—

Application of foreign limitation law.

- (a) the law of that other country relating to limitation shall apply in respect of that matter for the purposes of the action or proceedings; and
- (b) 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.

1980 c. 58.

(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 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.

Exceptions
to s. 1.

2.—(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.

1945 c. 16.

(4) In section 2(1) of the Limitation (Enemies and War Prisoners) 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—

1984 c. 16.

“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.”

Foreign
judgments on
limitation
points.

3. 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.—(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, 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—

Meaning of law relating to limitation.

- (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.

5. The references to any other limitation enactment in section 34 of the Limitation Act 1980 (application of limitation enactments to arbitration) include references to sections 1, 2 and 4 of this Act ; and, accordingly, in subsection (5) of the said section 34, the reference to the time prescribed by a limitation enactment has effect for the purposes of any case to which section 1 above applies as a reference to the limitation period (if any) applicable by virtue of section 1 above.

Application of Act to arbitrations. 1980 c. 53.

6.—(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.

Application to Crown.

- (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.

Short title,
commence-
ment,
transitional
provision and
extent.

7.—(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 by 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
- (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.

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