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STATUTORY INSTRUMENTS

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**1985 No. 754**

**The Foreign Limitation Periods (Northern Ireland) Order 1985**

***Application of foreign limitation law***

3.—(1) Subject to the following provisions of this Order, where in any action or proceedings in a court in Northern Ireland 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—

- (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 [<sup>F1</sup>, subject to Article 3A] ; and
- (b) except where that matter falls within paragraph (2), the law of Northern Ireland relating to limitation shall not so apply.

(2) A matter falls within this paragraph if it is a matter in the determination of which both the law of Northern Ireland and the law of some other country fall to be taken into account.

(3) The law of Northern Ireland shall determine for the purposes of any law applicable by virtue of paragraph (1)(a) whether, and the time at which, proceedings have been commenced in respect of any matter; and accordingly [<sup>F2</sup> Article 73] of [<sup>F2</sup> the Limitation (Northern Ireland) Order 1989] (new claims in pending proceedings) shall apply in relation to time limits applicable by virtue of paragraph (1)(a) as it applies in relation to time limits under [<sup>F2</sup> the Limitation (Northern Ireland) Order 1989].

(4) A court in Northern Ireland, in exercising in pursuance of paragraph (1)(a) 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 Article “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 Northern Ireland, this Order.

**F1** Words in art. 3(1)(a) inserted (30.6.2021) by [Overseas Operations \(Service Personnel and Veterans\) Act 2021 \(c. 23\), s. 14\(2\), Sch. 4 para. 2\(2\)](#); S.I. 2021/678, reg. 2

**F2** 1989 NI 11

**Changes to legislation:**

There are currently no known outstanding effects for the The Foreign Limitation Periods (Northern Ireland) Order 1985, Section 3.