

SCHEDULES

SCHEDULE 2

TRANSITIONAL PROVISIONS

1. Nothing in this Order affects the operation of section 10 of the Statute of Limitations, as it had effect immediately before 1st January 1979 (the date of commencement of the Civil Liability (Contribution) Act 1978^{F1}), in relation to any case where the damage in question occurred before that date.

F1 1978 c. 47

2. It is hereby declared that a decision taken at any time by a court to grant, or not to grant, leave under the Limitation Act (Northern Ireland) 1964^{F2} (which, so far as it related to leave, was repealed by the Limitation (Northern Ireland) Order 1976^{F3}) does not affect the determination of any question in proceedings under any provision of this Order which corresponds to a provision of the Limitation (Northern Ireland) Order 1976, but in such proceedings account may be taken of evidence admitted in proceedings under the Limitation Act (Northern Ireland) 1964.

F2 1964 c. 1 (NI)
F3 1976 NI 18

3. Notwithstanding anything in Article 59(4) or in the repeals made by this Order, the Statute of Limitations continues to have effect in relation to any acknowledgment or payment made before the commencement of Article 9 of the Limitation Amendment (Northern Ireland) Order 1982^{F4} (which amended sections 58 and 66 of the Statute of Limitations and made certain repeals in sections 59 and 67 of that Act so as to prevent the revival by acknowledgment or part payment of a right of action barred by that Act) as it had effect immediately before Article 9 came into operation.

F4 1982 NI 7

4. Article 74(2)(c) is to be treated for the purposes of the Hovercraft Act 1968^{F5} as if it were contained in an Act passed before that Act.

F5 1968 c. 59

5. In relation to a lease granted before the commencement of Article 6(3) of the Limitation Amendment (Northern Ireland) Order 1982 (which substituted “ten pounds a year” for “twenty shillings” in section 21 of the Statute of Limitations), paragraph 6(1)(a) of Schedule 1 has effect as if for “ten pounds” there were substituted “twenty shillings”.

6.—(1) Nothing in this Order affects any right or title, subsisting immediately before the commencement of this Order, which has effect by virtue of the Judgment Mortgage (Ireland) Act 1850^{F6} of a person who under that Act is a mortgagor or mortgagee of an estate or interest in land, or of any person claiming through him.

Changes to legislation: *There are currently no known outstanding effects for the The Limitation (Northern Ireland) Order 1989, SCHEDULE 2. (See end of Document for details)*

(2) Accordingly, the Statute of Limitations (as it was in force immediately before that commencement) shall continue to apply for the purpose of determining whether any such right of such a person (or of any person claiming through him) is barred, or whether the right or title of such a person (or of any person claiming through him) is extinguished.

F6 1850 c. 29

7.—(1) Nothing in this Order—

- (a) enables any action to be brought which was barred by this Order or (as the case may be) by the Statute of Limitations before the relevant date; or
- (b) affects any action or arbitration commenced before that date or the title to any property which is the subject of any such action or arbitration.

(2) In sub#paragraph (1) “the relevant date” means—

- (a) in relation to Article 73, 1st December 1982 (the date of commencement of Article 3 of the Limitation Amendment (Northern Ireland) Order 1982^{F7} (which substituted the provisions reproduced in Article 73 for section 2 of the Statute of Limitations));
- (b) in relation to Articles 11, 12 and 49, 16th December 1987 (the date of commencement of the provisions of the Limitation (Amendment) (Northern Ireland) Order 1987^{F8} which inserted the provisions reproduced in those Articles in the Statute of Limitations); and
- (c) in relation to any other provision of this Order, 11th April 1982 (the date of commencement of the Limitation Amendment (Northern Ireland) Order 1982, except Article 3).

F7 1982 NI 7

F8 1987 NI 17

Changes to legislation:

There are currently no known outstanding effects for the The Limitation (Northern Ireland) Order 1989, SCHEDULE 2.