



# Limitation Act 1980

## 1980 CHAPTER 58

### PART II

#### EXTENSION OR EXCLUSION OF ORDINARY TIME LIMITS

##### *Disability*

#### **28 Extension of limitation period in case of disability.**

- (1) Subject to the following provisions of this section, if on the date when any right of action accrued for which a period of limitation is prescribed by this Act, the person to whom it accrued was under a disability, the action may be brought at any time before the expiration of six years from the date when he ceased to be under a disability or died (whichever first occurred) notwithstanding that the period of limitation has expired.
- (2) This section shall not affect any case where the right of action first accrued to some person (not under a disability) through whom the person under a disability claims.
- (3) When a right of action which has accrued to a person under a disability accrues, on the death of that person while still under a disability, to another person under a disability, no further extension of time shall be allowed by reason of the disability of the second person.
- (4) No action to recover land or money charged on land shall be brought by virtue of this section by any person after the expiration of thirty years from the date on which the right of action accrued to that person or some person through whom he claims.

<sup>F1</sup>( 4A ) If the action is one to which section 4A of this Act applies, subsection (1) above shall have effect—

- (a) in the case of an action for libel or slander, as if for the words from “at any time” to “occurred)” there were substituted the words “by him at any time before the expiration of one year from the date on which he ceased to be under a disability”; and

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- (b) in the case of an action for slander of title, slander of goods or other malicious falsehood, as if for the words “six years” there were substituted the words “one year”.]
- (5) If the action is one to which section 10 of this Act applies, subsection (1) above shall have effect as if for the words “six years” there were substituted the words “two years”.
- (6) If the action is one to which section 11 [<sup>F2</sup>, 11B] or 12(2) of this Act applies, subsection (1) above shall have effect as if for the words “six years” there were substituted the words “three years”.
- [<sup>F3</sup>(7) If the action is one to which section 11A of this Act applies or one by virtue of section 6(1)(a) of the <sup>M1</sup> Consumer Protection Act 1987 (death caused by defective product), subsection (1) above—
- (a) shall not apply to the time limit prescribed by subsection (3) of the said section 11A or to that time limit as applied by virtue of section 12(1) of this Act; and
- (b) in relation to any other time limit prescribed by this Act shall have effect as if for the words “six years” there were substituted the words “three years”.]

#### Textual Amendments

- F1** S. 28(4A) (which was inserted by 1985 c. 61, ss. 57(3), 69(5), **Sch. 9 para. 14**) substituted (4.9.1996) by 1996 c. 31, **ss. 5(3)(6)**, 19 (with s. 20(2))
- F2** Word in s. 28(6) inserted (21.4.2021) by Automated and Electric Vehicles Act 2018 (c. 18), s. 21, **Sch. para. 14**; S.I. 2021/396, reg. 3(c)(d)
- F3** S. 28(7) inserted (1.3.1988) by Consumer Protection Act 1987 (c. 43, SIF 109:1), ss. 6(6), 50(2), **Sch. 1 para. 4**

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

- C1** S. 28 excluded by Latent Damage Act 1986 (c. 37, SIF 79), **ss. 3(3)**, 4
- C2** S. 28(1) extended with modification by Merchant Shipping (Liner Conferences) Act 1982 (c. 37, SIF 111), s. **8(2)(a)**

#### Marginal Citations

- M1** 1987 c. 43(109:1)

#### [<sup>F4</sup>28A Extension for cases where the limitation period is the period under section 14A(4)(b).

- (1) Subject to subsection (2) below, if in the case of any action for which a period of limitation is prescribed by section 14A of this Act—
- (a) the period applicable in accordance with subsection (4) of that section is the period mentioned in paragraph (b) of that subsection;
- (b) on the date which is for the purposes of that section the starting date for reckoning that period the person by reference to whose knowledge that date fell to be determined under subsection (5) of that section was under a disability; and
- (c) section 28 of this Act does not apply to the action;

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the action may be brought at any time before the expiration of three years from the date when he ceased to be under a disability or died (whichever first occurred) notwithstanding that the period mentioned above has expired.

- (2) An action may not be brought by virtue of subsection (1) above after the end of the period of limitation prescribed by section 14B of this Act.]

#### Textual Amendments

**F4** S. 28A inserted with saving by [Latent Damage Act 1986 \(c. 37, SIF 79\)](#), ss. 2(1), 4(1)(2)

### *Acknowledgment and part payment*

## **29 Fresh accrual of action on acknowledgment or part payment.**

- (1) Subsections (2) and (3) below apply where any right of action (including a foreclosure action) to recover land or an advowson or any right of a mortgagee of personal property to bring a foreclosure action in respect of the property has accrued.
- (2) If the person in possession of the land, benefice or personal property in question acknowledges the title of the person to whom the right of action has accrued—
- (a) the right shall be treated as having accrued on and not before the date of the acknowledgment; and
  - (b) in the case of a right of action to recover land which has accrued to a person entitled to an estate or interest taking effect on the determination of an entailed interest against whom time is running under section 27 of this Act, section 27 shall thereupon cease to apply to the land.
- (3) In the case of a foreclosure or other action by a mortgagee, if the person in possession of the land, benefice or personal property in question or the person liable for the mortgage debt makes any payment in respect of the debt (whether of principal or interest) the right shall be treated as having accrued on and not before the date of the payment.
- (4) Where a mortgagee is by virtue of the mortgage in possession of any mortgaged land and either—
- (a) receives any sum in respect of the principal or interest of the mortgage debt; or
  - (b) acknowledges the title of the mortgagor, or his equity of redemption;
- an action to redeem the land in his possession may be brought at any time before the expiration of twelve years from the date of the payment or acknowledgment.
- (5) Subject to subsection (6) below, where any right of action has accrued to recover—
- (a) any debt or other liquidated pecuniary claim; or
  - (b) any claim to the personal estate of a deceased person or to any share or interest in any such estate;
- and the person liable or accountable for the claim acknowledges the claim or makes any payment in respect of it the right shall be treated as having accrued on and not before the date of the acknowledgment or payment.
- (6) A payment of a part of the rent or interest due at any time shall not extend the period for claiming the remainder then due, but any payment of interest shall be treated as a payment in respect of the principal debt.

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- (7) Subject to subsection (6) above, a current period of limitation may be repeatedly extended under this section by further acknowledgments or payments, but a right of action, once barred by this Act, shall not be revived by any subsequent acknowledgment or payment.

**30 Formal provisions as to acknowledgments and part payments.**

- (1) To be effective for the purposes of section 29 of this Act, an acknowledgment must be in writing and signed by the person making it.
- (2) For the purposes of section 29, any acknowledgment or payment—
- (a) may be made by the agent of the person by whom it is required to be made under that section; and
  - (b) shall be made to the person, or to an agent of the person, whose title or claim is being acknowledged or, as the case may be, in respect of whose claim the payment is being made.

**31 Effect of acknowledgment or part payment on persons other than the maker or recipient.**

- (1) An acknowledgment of the title to any land, benefice, or mortgaged personalty by any person in possession of it shall bind all other persons in possession during the ensuing period of limitation.
- (2) A payment in respect of a mortgage debt by the mortgagor or any other person liable for the debt, or by any person in possession of the mortgaged property, shall, so far as any right of the mortgagee to foreclose or otherwise to recover the property is concerned, bind all other persons in possession of the mortgaged property during the ensuing period of limitation.
- (3) Where two or more mortgagees are by virtue of the mortgage in possession of the mortgaged land, an acknowledgment of the mortgagor's title or of his equity of redemption by one of the mortgagees shall only bind him and his successors and shall not bind any other mortgagee or his successors.
- (4) Where in a case within subsection (3) above the mortgagee by whom the acknowledgment is given is entitled to a part of the mortgaged land and not to any ascertained part of the mortgage debt the mortgagor shall be entitled to redeem that part of the land on payment, with interest, of the part of the mortgage debt which bears the same proportion to the whole of the debt as the value of the part of the land bears to the whole of the mortgaged land.
- (5) Where there are two or more mortgagors, and the title or equity of redemption of one of the mortgagors is acknowledged as mentioned above in this section, the acknowledgment shall be treated as having been made to all the mortgagors.
- (6) An acknowledgment of any debt or other liquidated pecuniary claim shall bind the acknowledgor and his successors but not any other person.
- (7) A payment made in respect of any debt or other liquidated pecuniary claim shall bind all persons liable in respect of the debt or claim.
- (8) An acknowledgment by one of several personal representatives of any claim to the personal estate of a deceased person or to any share or interest in any such estate, or a

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payment by one of several personal representatives in respect of any such claim, shall bind the estate of the deceased person.

- (9) In this section “successor”, in relation to any mortgagee or person liable in respect of any debt or claim, means his personal representatives and any other person on whom the rights under the mortgage or, as the case may be, the liability in respect of the debt or claim devolve (whether on death or bankruptcy or the disposition of property or the determination of a limited estate or interest in settled property or otherwise).

### *Fraud, concealment and mistake*

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

- (1) Subject to [<sup>F5</sup>subsection (3)] [<sup>F5</sup>subsections (3) [<sup>F6</sup>, (4A) and (4B)]] below, where in the case of any action for which a period of limitation is prescribed by this Act, either—
- (a) the action is based upon the fraud of the defendant; or
  - (b) any fact relevant to the plaintiff’s right of action has been deliberately concealed from him by the defendant; or
  - (c) 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—
- (a) to recover, or recover the value of, any property; or
  - (b) 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 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.

[<sup>F7</sup>(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.]

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[<sup>F8</sup>(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.]

[<sup>F9</sup>(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

- F5** 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)**
- F6** 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)
- F7** 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)**
- F8** 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)
- F9** 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)

- C3** S. 32(1) extended by [Merchant Shipping \(Liner Conferences\) Act 1982 \(c. 37, SIF 111\)](#), s. 8(2)(b)
- C4** 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

<sup>F10</sup> *Discretionary exclusion of time limit for actions for defamation or malicious falsehood*

#### Textual Amendments

- F10** Cross heading and s. 32A (which were inserted by [1985 c. 61](#), ss. 57(4), 69(5), **Sch. 9 para. 14**) substituted (4.9.1996) by [1996 c. 31](#), ss. 5(4)(6), 19(2) (with s. 20(2))

### <sup>F11</sup> **32A Discretionary exclusion of time limit for actions for defamation or malicious falsehood.**

- (1) If it appears to the court that it would be equitable to allow an action to proceed having regard to the degree to which—
- (a) the operation of section 4A of this Act prejudices the plaintiff or any person whom he represents, and
  - (b) any decision of the court under this subsection would prejudice the defendant or any person whom he represents,
- the court may direct that that section shall not apply to the action or shall not apply to any specified cause of action to which the action relates.
- (2) In acting under this section the court shall have regard to all the circumstances of the case and in particular to—
- (a) the length of, and the reasons for, the delay on the part of the plaintiff;

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- (b) where the reason or one of the reasons for the delay was that all or any of the facts relevant to the cause of action did not become known to the plaintiff until after the end of the period mentioned in section 4A—
    - (i) the date on which any such facts did become known to him, and
    - (ii) the extent to which he acted promptly and reasonably once he knew whether or not the facts in question might be capable of giving rise to an action; and
  - (c) the extent to which, having regard to the delay, relevant evidence is likely—
    - (i) to be unavailable, or
    - (ii) to be less cogent than if the action had been brought within the period mentioned in section 4A.
- (3) In the case of an action for slander of title, slander of goods or other malicious falsehood brought by a personal representative—
- (a) the references in subsection (2) above to the plaintiff shall be construed as including the deceased person to whom the cause of action accrued and any previous personal representative of that person; and
  - (b) nothing in section 28(3) of this Act shall be construed as affecting the court's discretion under this section.
- (4) In this section “ the court ” means the court in which the action has been brought. ]

#### Textual Amendments

- F11** S. 32A (which was inserted by 1985 c. 61, ss. 57(4), 69(5), **Sch. 9 para. 14**) substituted (4.9.1996) by 1996 c. 31, **ss. 5(4)(6), 19(2)** (with s. 20(2))

#### *Discretionary exclusion of time limit for actions in respect of personal injuries or death*

### **33 Discretionary exclusion of time limit for actions in respect of personal injuries or death.**

- (1) If it appears to the court that it would be equitable to allow an action to proceed having regard to the degree to which—
- (a) the provisions of section 11 [<sup>F12</sup>, 11A, 11B] or 12 of this Act prejudice the plaintiff or any person whom he represents; and
  - (b) any decision of the court under this subsection would prejudice the defendant or any person whom he represents;

the court may direct that those provisions shall not apply to the action, or shall not apply to any specified cause of action to which the action relates.

[<sup>F13</sup>(1ZA) The court shall not under this section disapply any provision of section 11 in its application to an overseas armed forces action if the action was brought after the expiration of the period of six years from the section 11 relevant date (see subsection (7)).

(1ZB) An “overseas armed forces action” means an action, or cause of action, which—

- (a) is against the Ministry of Defence, the Secretary of State for Defence, or any member of Her Majesty's forces,
- (b) is brought in connection with overseas operations (see subsection (7)), and

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(c) relates to damage that occurred outside the British Islands.

(1ZC) In subsection (1ZB), “damage” means—

- (a) in the case of an overseas armed forces action for which a period of limitation is prescribed by section 11, the personal injuries to which the action relates;
- (b) in the case of an overseas armed forces action for which a period of limitation is prescribed by section 12(2), the death to which the action relates (and where a person sustains personal injuries outside the British Islands which are a substantial cause of their later death in any of the British Islands, or vice versa, the death is for the purposes of subsection (1ZB)(c) to be treated as occurring where the injuries were sustained).]

[<sup>F14</sup>(1A) The court shall not under this section disapply—

- (a) subsection (3) of section 11A; or
- (b) where the damages claimed by the plaintiff are confined to damages for loss of or damage to any property, any other provision in its application to an action by virtue of Part I of the <sup>M2</sup> Consumer Protection Act 1987. ]

[<sup>F15</sup>(1B) Where the damages claimed are confined to damages for loss of or damage to any property, the court shall not under this section disapply any provision in its application to an action under section 2 of the Automated and Electric Vehicles Act 2018.]

(2) The court shall not under this section disapply section 12(1) except where the reason why the person injured could no longer maintain an action was because of the time limit in section 11 [<sup>F16</sup>, 11A(4) or 11B(2) or (4)].

If, for example, the person injured could at his death no longer maintain an action under the <sup>M3</sup>Fatal Accidents Act 1976 because of the time limit in Article 29 in Schedule 1 to the <sup>M4</sup>Carriage by Air Act 1961, the court has no power to direct that section 12(1) shall not apply.

[<sup>F17</sup>(2A) But where the reason why the person injured could no longer maintain an action was because of the time limit in section 11, the court may disapply section 12(1) in its application to an overseas armed forces action only if the person died within the period of six years beginning with the section 11 relevant date (ignoring, for this purpose, the reference to section 11(5) in paragraph (a) of the definition of that term).

(2B) The court shall not under this section disapply section 12(2) in its application to an overseas armed forces action if the action was brought after the expiration of the period of six years from the section 12 relevant date (see subsection (7)).]

(3) In acting under this section the court shall have regard to all the circumstances of the case and in particular to—

- (a) the length of, and the reasons for, the delay on the part of the plaintiff;
- (b) the extent to which, having regard to the delay, the evidence adduced or likely to be adduced by the plaintiff or the defendant is or is likely to be less cogent than if the action had been brought within the time allowed by section 11 [<sup>F18</sup>, by section 11A][<sup>F19</sup>, by section 11B] or (as the case may be) by section 12;
- (c) the conduct of the defendant after the cause of action arose, including the extent (if any) to which he responded to requests reasonably made by the plaintiff for information or inspection for the purpose of ascertaining facts which were or might be relevant to the plaintiff’s cause of action against the defendant;



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- (d) the duration of any disability of the plaintiff arising after the date of the accrual of the cause of action;
  - (e) the extent to which the plaintiff acted promptly and reasonably once he knew whether or not the act or omission of the defendant, to which the injury was attributable, might be capable at that time of giving rise to an action for damages;
  - (f) the steps, if any, taken by the plaintiff to obtain medical, legal or other expert advice and the nature of any such advice he may have received.
- (4) In a case where the person injured died when, because of section 11 [F20, 11A(4) or 11B(2) or (4)], he could no longer maintain an action and recover damages in respect of the injury, the court shall have regard in particular to the length of, and the reasons for, the delay on the part of the deceased.
- (5) In a case under subsection (4) above, or any other case where the time limit, or one of the time limits, depends on the date of knowledge of a person other than the plaintiff, subsection (3) above shall have effect with appropriate modifications, and shall have effect in particular as if references to the plaintiff included references to any person whose date of knowledge is or was relevant in determining a time limit.
- [F21(5A) In acting under this section in relation to an overseas armed forces action—
- (a) when considering the factor mentioned in subsection (3)(b), the court must have particular regard to—
    - (i) the likely impact of the operational context on the ability of members of Her Majesty's forces to remember relevant events or actions fully or accurately, and
    - (ii) the extent of dependence on the memories of members of Her Majesty's forces, taking into account the effect of the operational context on their ability to record, or to retain records of, relevant events or actions; and
  - (b) the court must also have particular regard to the likely impact of the action on the mental health of any witness or potential witness who is a member of Her Majesty's forces.
- (5B) In subsection (5A) references to “the operational context” are to the fact that the events to which the action relates took place in the context of overseas operations, and include references to the exceptional demands and stresses to which members of Her Majesty's forces are subject.]
- (6) A direction by the court disapplying the provisions of section 12(1) shall operate to disapply the provisions to the same effect in section 1(1) of the <sup>M5</sup>Fatal Accidents Act 1976.
- [F22(6A) In the application of subsection (1ZA), (2A) or (2B) to an overseas armed forces action in respect of which a limitation period has been suspended in accordance with section 1(1) of the Limitation (Enemies and War Prisoners) Act 1945, any reference to the period of six years is to be treated as a reference to the period of six years plus—
- (a) the period during which the limitation period was suspended, and
  - (b) any extra period after the suspension ended during which the action could have been brought only because of an extension provided for by section 1(1) of that Act.]

[F23(7) In this section—

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“the court” means the court in which the action has been brought;

“Her Majesty's forces” has the same meaning as in the Armed Forces Act 2006 (see section 374 of that Act);

“overseas operations” means any operations outside the British Islands, including peacekeeping operations and operations for dealing with terrorism, civil unrest or serious public disorder, in the course of which members of Her Majesty's forces come under attack or face the threat of attack or violent resistance;

“the section 11 relevant date” means the latest of the following—

- (a) the date from which the period of three years starts to run in accordance with section 11(4) or (5);
- (b) where section 28 applies, the date from which the period of three years mentioned in subsection (1) of that section (as that subsection has effect with the modification made by subsection (6) of that section) starts to run;
- (c) where section 32(1)(a) or (b) applies, the date from which the period of three years starts to run in accordance with subsection (1) of that section;

“the section 12 relevant date” means the latest of the following—

- (a) the date from which the period of three years starts to run in accordance with section 12(2);
- (b) where section 28 applies, the date from which the period of three years mentioned in subsection (1) of that section (as that subsection has effect with the modification made by subsection (6) of that section) starts to run.]

(8) References in this section [F24—

- (a) to the British Islands include the territorial sea adjacent to the United Kingdom and the territorial sea adjacent to any of the Channel Islands or the Isle of Man (and the reference to any of the British Islands is to be read accordingly);
- (b) to a member of Her Majesty's forces, in relation to an overseas armed forces action, include an individual who was a member of Her Majesty's forces at the time of the events to which the action relates;
- (c) to section 11 [F25, 11A or 11B] include references to that section as extended by any of the [F26provisions of this Part of this Act other than this section] or by any provision of Part III of this Act.

#### Textual Amendments

- F12** Words in s. 33(1)(a) substituted (21.4.2021) by [Automated and Electric Vehicles Act 2018 \(c. 18\)](#), s. 21, [Sch. para. 16\(2\)](#); S.I. 2021/396, reg. 3(c)(d)
- F13** S. 33(1ZA)-(1ZC) inserted (30.6.2021) by [Overseas Operations \(Service Personnel and Veterans\) Act 2021 \(c. 23\)](#), s. 14(2), [Sch. 2 para. 1\(2\)](#); S.I. 2021/678, reg. 2
- F14** S. 33(1A) inserted (1.3.1988) by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\)](#), ss. 6(6), 50(2), [Sch. 1 para. 6\(b\)](#)
- F15** S. 33(1B) inserted (21.4.2021) by [Automated and Electric Vehicles Act 2018 \(c. 18\)](#), s. 21, [Sch. para. 16\(3\)](#); S.I. 2021/396, reg. 3(c)(d)
- F16** Words in s. 33(2) substituted (21.4.2021) by [Automated and Electric Vehicles Act 2018 \(c. 18\)](#), s. 21, [Sch. para. 16\(4\)](#); S.I. 2021/396, reg. 3(c)(d)
- F17** S. 33(2A)(2B) inserted (30.6.2021) by [Overseas Operations \(Service Personnel and Veterans\) Act 2021 \(c. 23\)](#), s. 14(2), [Sch. 2 para. 1\(3\)](#); S.I. 2021/678, reg. 2

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- F18** Words inserted (1.3.1988) by Consumer Protection Act 1987 (c. 43, SIF 109:1), ss. 6(6), 50(2), **Sch. 1 para. 6(d)**
- F19** Words in s. 33(3)(b) inserted (21.4.2021) by Automated and Electric Vehicles Act 2018 (c. 18), s. 21, **Sch. para. 16(5)**; S.I. 2021/396, reg. 3(c)(d)
- F20** Words in s. 33(4) substituted (21.4.2021) by Automated and Electric Vehicles Act 2018 (c. 18), s. 21, **Sch. para. 16(4)**; S.I. 2021/396, reg. 3(c)(d)
- F21** S. 33(5A)(5B) inserted (30.6.2021) by Overseas Operations (Service Personnel and Veterans) Act 2021 (c. 23), s. 14(2), **Sch. 2 para. 1(4)**; S.I. 2021/678, reg. 2
- F22** S. 33(6A) inserted (30.6.2021) by Overseas Operations (Service Personnel and Veterans) Act 2021 (c. 23), s. 14(2), **Sch. 2 para. 1(5)**; S.I. 2021/678, reg. 2
- F23** S. 33(7) substituted (30.6.2021) by Overseas Operations (Service Personnel and Veterans) Act 2021 (c. 23), s. 14(2), **Sch. 2 para. 1(6)**; S.I. 2021/678, reg. 2
- F24** Words in s. 33(8) inserted (30.6.2021) by Overseas Operations (Service Personnel and Veterans) Act 2021 (c. 23), s. 14(2), **Sch. 2 para. 1(7)**; S.I. 2021/678, reg. 2
- F25** Words in s. 33(8) substituted (21.4.2021) by Automated and Electric Vehicles Act 2018 (c. 18), s. 21, **Sch. para. 16(6)**; S.I. 2021/396, reg. 3(c)(d)
- F26** Words in s. 33(8) substituted (with application in accordance with regs. 3, 4 of the amending S.I.) by Cross-Border Mediation (EU Directive) Regulations 2011 (S.I. 2011/1133), regs. 2, **25**

**Marginal Citations**

- M2** 1987 c. 43(**109:1**)
- M3** 1976 c. 30(**122:3**)
- M4** 1961 c. 27(**9**)
- M5** 1976 c. 30(**122:3**)

*[<sup>F27</sup>Mediation in certain cross-border disputes*

**Textual Amendments**

- F27** S. 33A and preceding cross-heading inserted (with application in accordance with regs. 3, 4 of the amending S.I.) by Cross-Border Mediation (EU Directive) Regulations 2011 (S.I. 2011/1133), regs. 2, **26**

**<sup>F28</sup>33A. Extension of time limits because of mediation in certain cross-border disputes**

..... ]

**Textual Amendments**

- F28** S. 33A omitted (31.12.2020) by virtue of The Cross-Border Mediation (EU Directive) (EU Exit) Regulations 2019 (S.I. 2019/469), reg. 1(1), **Sch. 1 para. 7(4)** (with reg. 5) (as amended by S.I. 2020/1493, regs. 1(1), 4(5)(6)); 2020 c. 1, Sch. 5 para. 1(1)

*Changes to legislation: There are currently no known outstanding effects  
 for the Limitation Act 1980, Part II. (See end of Document for details)*

*[<sup>F29</sup> Alternative Dispute Resolution in certain cross border or domestic contractual disputes*

**Textual Amendments**

**F29** S. 33B and preceding cross-heading inserted (9.7.2015) by [The Alternative Dispute Resolution for Consumer Disputes \(Amendment\) Regulations 2015 \(S.I. 2015/1392\)](#), regs. 1(2), 4(3) (with reg. 1(3))

**33B Extension of time limits because of alternative dispute resolution in certain cross border or domestic contractual disputes**

(1) In this section—

- <sup>F30</sup>(a) .....
- [<sup>F31</sup>(b) “ADR entity” means a person whose name appears on a list maintained in accordance with regulation 10 of the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015 (S.I. 2015/542);]
- <sup>F32</sup>(c) .....
- [<sup>F33</sup>(d) “ADR procedure” means a procedure for the out-of-court resolution of disputes through the intervention of an ADR entity which proposes or imposes a solution or brings the parties together with the aim of facilitating an amicable solution;]
- [<sup>F34</sup>(da) “consumer” means an individual acting for purposes which are wholly or mainly outside that individual’s trade, business, craft or profession;]
- (e) “non-binding ADR procedure” means an ADR procedure the outcome of which is not binding on the parties;
- [<sup>F35</sup>(f) “relevant dispute” means a dispute that—
  - (i) concerns obligations under a sales contract or a service contract, and
  - (ii) is between a trader established in the United Kingdom or the European Union and a consumer resident in the United Kingdom, which the parties attempt to settle by recourse to a non-binding ADR procedure;]
- [<sup>F36</sup>(g) “sales contract” means a contract under which a trader transfers, or agrees to transfer, the ownership of goods to a consumer and the consumer pays, or agrees to pay, the price, including any contract that has both goods and services as its object;
- (h) “service contract” means a contract, other than a sales contract, under which a trader supplies, or agrees to supply, a service to a consumer and the consumer pays, or agrees to pay, the price;
- (i) “trader” means a person acting for purposes relating to that person’s trade, business, craft or profession, whether acting personally or through another person acting in the trader’s name or on the trader’s behalf.]

(2) Subsection (3) applies where—

- (a) a time limit under this Act 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 time limit expires; and
- (c) if not extended by this section, the time limit would expire before the non-binding ADR procedure ends or less than eight weeks after it ends.

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*Changes to legislation: There are currently no known outstanding effects for the Limitation Act 1980, Part II. (See end of Document for details)*

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- (3) For the purposes of initiating judicial proceedings, the time limit expires instead at the end of eight weeks after the non-binding ADR procedure ends (subject to subsection (4)).
- (4) If a time limit has been extended by this section, subsections (2) and (3) apply to the extended time limit as they apply to a time limit mentioned in subsection (2)(a).
- (5) Where more than one time limit applies in relation to a relevant dispute, the extension by subsection (3) of one of those time limits does not affect the others.
- (6) 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.
- (7) 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.
- (8) For the purpose of subsection (7), 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.
- (9) 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. ]

#### Textual Amendments

- F30** S. 33B(1)(a) omitted (31.12.2020) by virtue of [The Alternative Dispute Resolution for Consumer Disputes \(Extension of Time Limits for Legal Proceedings\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1139\)](#), regs. 1(2), **3(2)(a)** (with reg. 7)
- F31** S. 33B(1)(b) substituted (31.12.2020) by [The Alternative Dispute Resolution for Consumer Disputes \(Extension of Time Limits for Legal Proceedings\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1139\)](#), regs. 1(2), **3(2)(b)** (with reg. 7)
- F32** S. 33B(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, **3(2)**
- F33** S. 33B(1)(d) substituted (31.12.2020) by [The Alternative Dispute Resolution for Consumer Disputes \(Extension of Time Limits for Legal Proceedings\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1139\)](#), regs. 1(2), **3(2)(c)** (with reg. 7)

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*Changes to legislation: There are currently no known outstanding effects  
for the Limitation Act 1980, Part II. (See end of Document for details)*

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- F34** S. 33B(1)(da) inserted (31.12.2020) by The Alternative Dispute Resolution for Consumer Disputes (Extension of Time Limits for Legal Proceedings) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1139), regs. 1(2), **3(2)(d)** (with reg. 7)
- F35** S. 33B(1)(f) substituted (31.12.2020) by The Alternative Dispute Resolution for Consumer Disputes (Extension of Time Limits for Legal Proceedings) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1139), regs. 1(2), **3(2)(e)** (with reg. 7)
- F36** S. 33B(1)(g)-(i) inserted (31.12.2020) by The Alternative Dispute Resolution for Consumer Disputes (Extension of Time Limits for Legal Proceedings) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1139), regs. 1(2), **3(2)(f)** (with reg. 7)

**Changes to legislation:**

There are currently no known outstanding effects for the Limitation Act 1980, Part II.