

## SCHEDULES

### SCHEDULE 2

#### LIMITATION PERIODS: ENGLAND AND WALES

#### PART 2

##### RESTRICTION OF FOREIGN LIMITATION LAW

- 2 (1) The Foreign Limitation Periods Act 1984 is amended as follows.
- (2) In section 1 (application of foreign limitation law), in subsection (1)(a), after “subject to” insert “section 1ZA and”.
- (3) After section 1 insert—

**“1ZA Overseas armed forces actions: restriction of foreign limitation law**

- (1) Subsection (3) applies where—
- (a) the law of another country relating to limitation applies by reason of section 1(1)(a) in respect of a matter for the purposes of an overseas armed forces tort action, and
  - (b) the commencement condition applies in relation to that action,
- and in this section the law relating to limitation that applies for the purposes of that action is referred to as “the relevant foreign limitation law”.
- (2) The commencement condition applies in relation to an overseas armed forces tort action if the action commenced on a date which is after the end of the period of six years beginning with—
- (a) the date on which any limitation period specified in the relevant foreign limitation law began to run, or
  - (b) where the relevant foreign limitation law has the effect that the action may be commenced within an indefinite period, the first date on which the action could have been commenced.
- (3) The relevant foreign limitation law is to be treated as providing the defendant with a complete defence to the action so far as relating to the matter (where that would not otherwise be the case).
- (4) An “overseas armed forces tort action” means an action—
- (a) which is an overseas armed forces action as defined in section 33(1ZB) of the Limitation Act 1980, and
  - (b) which (under the law of the other country that falls to be taken into account) corresponds to—
    - (i) an action to which section 11 of that Act applies (personal injuries),

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**Changes to legislation:** There are currently no known outstanding effects for the Overseas Operations (Service Personnel and Veterans) Act 2021, PART 2. (See end of Document for details)

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- (ii) an action in respect of false imprisonment, or
- (iii) an action under the Fatal Accidents Act 1976 (death).

(5) In the application of subsection (2) to an action in respect of which—

- (a) in accordance with the relevant foreign limitation law, a limitation period specified in that law has been suspended or interrupted for a period by reason of a person's lacking legal capacity or being under a disability, or
- (b) in accordance with the relevant foreign limitation law, a period during which a person lacks legal capacity or is under a disability has been disregarded in computing a limitation period specified in that law,

the reference to the period of six years is to be treated as a reference to the period of six years plus the period of suspension or interruption or (as the case may be) the period that was so disregarded.

(6) In the application of subsection (2) to an action in respect of which a limitation period specified in the relevant foreign limitation law has been suspended in accordance with section 1(1) of the Limitation (Enemies and War Prisoners) Act 1945, the 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.”

(4) In section 7 (short title etc), after subsection (3) insert—

“(3A) Section 1ZA (overseas armed forces actions: restriction of foreign limitation law) applies to an action commenced in England and Wales on or after the date on which that section comes into force, whenever the events to which the action relates took place.”

(5) In section 8 (disapplication of provisions where the law applicable to limitation is determined by other instruments), in the heading and in subsection (1), after “1,” insert “ 1ZA, ”.

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#### Commencement Information

**II** Sch. 2 para. 2 in force at 30.6.2021 by S.I. 2021/678, reg. 2

**Changes to legislation:**

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