

LIMITATION ACT.

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 31, 1969.

An Act to amend and consolidate the law relating to the limitation of actions; to repeal section 5 of the Imperial Act known as the Common Informers Act, 1588, and certain other Imperial enactments; to repeal the unrepealed portion of the Act passed in the fourth year of the reign of William the Fourth number seventeen and certain other enactments; to amend the Compensation to Relatives Act of 1897, as amended by subsequent Acts, and certain other enactments; to make further provision concerning estates tail; and for purposes connected therewith. [Assented to, 9th April, 1969.]

BE

Limitation.

BE it enacted by the Queen's Most Excellent Majesty, by ^{No. 31, 1969} and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Limitation Act, 1969". Short title and commencement.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. This Act is to be read and construed subject to the Commonwealth of Australia Constitution Act and so as not to exceed the legislative power of the State, to the intent that where any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of the provision to other persons or circumstances is not to be affected. Construction.

3. This Act is divided into Parts and Divisions as follows :—

PART I.—PRELIMINARY—*ss.* 1–11.

PART II.—PERIODS OF LIMITATION AND RELATED MATTERS—*ss.* 12–50.

DIVISION 1.—*Preliminary*—*ss.* 12, 13.

DIVISION 2.—*General*—*ss.* 14–26.

DIVISION 3.—*Land*—*ss.* 27–39.

DIVISION 4.—*Mortgages*—*ss.* 40–46.

DIVISION 5.—*Trusts*—*ss.* 47–50.

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PART III.—POSTPONEMENT OF THE BAR—*ss.* 51–62.DIVISION 1.—*General—s.* 51.DIVISION 2.—*Disability, confirmation, fraud and mistake—ss.* 52–56.DIVISION 3.—*Personal injury cases—ss.* 57–62.PART IV.—MISCELLANEOUS—*ss.* 63–77.DIVISION 1.—*Extinction of right and title—ss.* 63–68.DIVISION 2.—*Arbitration—ss.* 69–73.DIVISION 3.—*General—ss.* 74–77.

SCHEDULES.

Repeal,
amendment
and citation.
Schedule
One
Part A.
Schedule
One
Part B.

4. (1) Each Imperial Act specified in Part A of Schedule One to this Act is, to the extent therein expressed, repealed so far as it applies to New South Wales.

(2) Each Act specified in Part B of Schedule One to this Act is, to the extent therein expressed, repealed.

Schedule
Two.

(3) Each Act specified in column 1 of Schedule Two to this Act is amended as specified opposite that Act in column 2 of that Schedule.

(4) The Conveyancing Act, 1919, is amended by inserting next after section 19 the following new section :—

Estates
tail—
further
provisions.

19A. (1) Where at or after the commencement of the Limitation Act, 1969, any person is entitled, or would, but for section nineteen of this Act, be entitled, to an estate tail (legal or equitable) and whether in possession, reversion, or remainder, in any land, such person shall be deemed to be entitled to an estate in fee simple (legal or equitable, as the case may be) in such land, to the exclusion of all estates or interests limited to take effect after the determination or in defeasance of any such estate tail and to the exclusion of all estates or interests in reversion on any such estate tail.

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(2) In this section the expression "estate tail" No. 31, 1969 includes that estate in fee into which an estate tail is converted where the issue in tail are barred, but persons claiming estates by way of remainder or otherwise are not barred; also an estate in fee voidable or determinable by the entry of the issue in tail; but does not include the estate of a tenant in tail after possibility of issue extinct.

(3) This section applies to land under the provisions of the Real Property Act, 1900, as amended by subsequent Acts, and the Registrar-General is hereby authorised on the prescribed application to make all such entries in the register book as may be necessary to give effect thereto.

(5) Each Act specified in column 1 of Schedule Three Schedule Three. to this Act, as amended by this Act, may be cited in the manner specified opposite that Act in column 2 of that Schedule.

5. (1) Section 8 of the Interpretation Act of 1897 Saving. applies to the repeal by this Act in whole or in part of an Imperial Act in the manner in which that section applies to the repeal in whole or in part of an Act.

(2) The repeal or amendment of an enactment or cf. 52 & 53 Imperial enactment by this Act does not revive anything not Vict. c. 63, in force or existing at the commencement of this Act. s. 38 (2)
(a).

6. Subject to section 26 and to Division 3 of Part III of Transition. this Act, nothing in this Act—

- (a) affects an action brought or arbitration commenced cf. 2 & 3 before the commencement of this Act; Geo. 6,
c. 21, s. 33
(b).
- (b) enables an action or arbitration to be commenced cf. 2 & 3 or maintained which is barred at the commencement Geo. 6, of this Act by an enactment or an Imperial enact- c. 21, s. 33
ment repealed or amended by this Act; (a).

(c)

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- (c) affects the extinction of the title of a person to land under section 34 of the Imperial Act shortly entitled the Real Property Limitation Act, 1833, as adopted and applied by the Act passed in the eighth year of the reign of King William the Fourth, number three, where the period limited by that Imperial Act, as so adopted and applied, to that person for making an entry or distress or bringing any action or suit to recover the land has commenced to run before the commencement of this Act; or
- (d) prevents the commencement and maintenance of an action or arbitration within the time allowed by an enactment or an Imperial enactment repealed or amended by this Act on a cause of action which accrued before the commencement of this Act, but this paragraph has effect subject to paragraphs (b) and (c) of this section.
- Other limitations.
cf. 2 & 3
Geo. 6,
c. 21, s. 32.
7. Nothing in this Act—
- (a) applies to an action or arbitration for which a limitation period is fixed by or under an enactment other than this Act or by or under an Imperial enactment (not being an enactment or an Imperial enactment repealed or omitted by this Act); or
- (b) applies to an action or arbitration to which the Crown is a party and for which, if it were between subjects, a period of limitation would be fixed by or under an enactment other than this Act or by or under an Imperial enactment (not being an enactment or an Imperial enactment repealed or omitted by this Act).
- cf. 2 & 3
Geo. 6,
c. 21, s. 32.
8. Nothing in this Act affects the operation of—
- (a) section 45 of the Real Property Act, 1900;
- (b) section 235B of the Crown Lands Consolidation Act, 1913; or
- (c) subsection (2) of section 50 of the Conveyancing Act, 1919.
- 9.
- Saving of specified enactments.

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9. Nothing in this Act affects the rules of equity concerning the refusal of relief on the ground of laches acquiescence or otherwise.

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Acquiescence, etc.
cf. 2 & 3
Geo. 6,
c. 21, s. 29.

10. (1) Subject to subsections (3) and (4) of this section, this Act binds the Crown and the Crown has the benefit of this Act.

The Crown.
cf. 2 & 3
Geo. 6,
c. 21, s. 30
(1).

(2) For the purposes of this Act an action by an officer of the Crown as such or a person acting on behalf of the Crown is an action by the Crown.

cf. 2 & 3
Geo. 6,
c. 21, s. 30
(2).

(3) This Act does not apply to an action by the Crown—

cf. 2 & 3
Geo. 6,
c. 21, s. 30
(1) proviso.

(a) for the recovery of a tax or duty or of interest on a tax or duty; or

(b) in respect of the forfeiture of a ship.

(4) This Act does not affect the prerogative right of the Crown to gold and silver.

cf. 2 & 3
Geo. 6,
c. 21, s. 30
(4).

11. (1) In this Act, unless the context or subject matter otherwise indicates or requires—

Interpretation.

“Action” includes any proceeding in a court.

cf. 2 & 3
Geo. 6,
c. 21,
31 (1).

“Crown” includes not only the Crown in right of New South Wales but also, so far as the legislative power of Parliament permits, the Crown in all its other capacities.

“Deed” includes an instrument having the effect of a deed under the law of New South Wales or, in the case of an instrument executed pursuant to the law of—

(a) the United Kingdom of Great Britain and Northern Ireland;

(b) another State of the Commonwealth;

(c) the Commonwealth;

(d)

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(d) a Territory of the Commonwealth; or

(e) New Zealand,

having the effect of a deed under the law pursuant to which it is executed.

cf. Act No.
6, 1919,
s. 144 (1).

“Income” includes interest on a judgment and other interest, and includes rent annuities and dividends, but does not include arrears of interest secured by a mortgage and lawfully treated as principal.

“Judgment” includes not only a judgment of a court of New South Wales but also a judgment of a court of the United Kingdom of Great Britain and Northern Ireland, a court of another State of the Commonwealth, a court of the Commonwealth, a court of a Territory of the Commonwealth, or a court of any other place.

“Land” includes—

(a) corporeal hereditaments and rentcharges and any estate or interest therein whether freehold or leasehold and whether at law or in equity; and

(b) the interest pending sale of land (including incorporeal hereditaments) held on trust for sale of a person having an interest in the proceeds of sale;

but does not include easements or profits à prendre nor, subject to paragraphs (a) and (b) of this definition, other incorporeal hereditaments.

“Landlord” means a person entitled to land subject to a lease.

cf. Act No.
6, 1919,
s. 7 (1).

“Mortgage” does not include a possessory lien on goods nor any binding effect on property arising under a writ of execution against the property but otherwise includes a charge or lien on any property for securing money or money’s worth.

“Mortgagee”

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“Mortgagee” includes a person claiming a mortgage through an original mortgagee. **No. 31, 1969**

cf. Act No.
6, 1919,
s. 7 (1).

“Mortgagor” includes a person claiming property subject to a mortgage through an original mortgagor.

cf. Act No.
6, 1919,
s. 7 (1).

“Personal representative” means an executor to whom probate has been granted, including an executor by right of representation, or an administrator within the meaning of the Wills, Probate and Administration Act, 1898, and includes the Public Trustee acting under section 23 of the Public Trustee Act, 1913.

“Plaintiff” means a person bringing an action.

“Principal money”, in relation to a mortgage, means all money secured by the mortgage, including arrears of interest lawfully treated as principal, but does not include other interest.

“Rent” includes a rent payable under a lease and any other rent service and a rentcharge.

“Rentcharge” means an annuity or other periodical sum of money, being an annuity or sum charged on or payable out of land, but does not include a rent payable under a lease nor any other rent service nor interest under a mortgage.

“Successor”, in relation to a person liable on a cause of action, means a person on whom the liability of the firstmentioned person devolves, whether as personal representative or otherwise on death, or on bankruptcy, disposition of property, or determination of a limited estate or interest, or otherwise.

cf. 2 & 3
Geo. 6,
c. 21, s. 25
(8).

“Trust” includes express implied and constructive trusts, whether or not the trustee has a beneficial interest in the trust property, and whether or not the trust arises only by reason of a transaction impeached, and includes the duties incident to the office of personal representative but does not include the duties incident to the estate or interest of a mortgagee in mortgaged property.

cf. Act No.
14, 1925,
s. 5.
cf. *Taylor*
v. Davies
[1920]
A.C. 636,
at p. 653.

“Trustee”

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“Trustee” has a meaning corresponding to the meaning of “trust”.

(2) For the purposes of this Act—

cf. 2 & 3
Geo. 6,
c. 21, s. 31
(4).

(a) a person claims through another person in respect of any property or right if he is entitled to the property or right by through under or by the act of that other person, but a person entitled to property or a right by virtue of an appointment under a special power of appointment does not, by reason of the appointment, claim the property or right through the appointor;

cf. 2 & 3
Geo. 6,
c. 21, s. 31
(5).

(b) a reference to a cause of action to recover land includes a reference to a right to enter into possession of the land;

cf. 2 & 3
Geo. 6,
c. 21, ss. 24
(2), 26 (a).

(c) a thing done to or by or suffered by an agent is done to or by or suffered by his principal; and

cf. 2 & 3
Geo. 6,
c. 21, s. 18
(4).

(d) a cause of action to which any of the provisions of Division 4 of Part II of this Act applies is not a cause of action to recover land or a cause of action to enforce an equitable estate or interest in land.

Disability.
cf. 2 & 3
Geo. 6,
c. 21, s. 31
(2), (3).

(3) For the purposes of this Act a person is under a disability—

(a) while he is an infant; or

(b) while he is, for a continuous period of twenty-eight days or upwards, incapable of, or substantially impeded in, the management of his affairs in relation to the cause of action in respect of the limitation period for which the question arises, by reason of—

(i) any disease or any impairment of his physical or mental condition;

(ii) restraint of his person, lawful or unlawful, including detention or custody under the Mental Health Act, 1958;

(iii)

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- (iii) war or warlike operations; or No. 31, 1969
- (iv) circumstances arising out of war or warlike operations.
- (4) In this Act, in respect of land which is a rent-charge— cf. 2 & 3
Geo. 6, c.
21, s. 31
(6).
- (a) a reference to the possession of land is a reference to the receipt of the rent; and
- (b) a reference to the date of dispossession or discontinuance of possession of land is a reference to the date when rent first becomes overdue.
- (5) The provisions of this Act as to the date of accrual of a cause of action have effect for the purposes of this Act but not for any other purpose.
- (6) In this Act, a reference to an Act includes amendments of that Act by subsequent Acts.

PART II.

PERIODS OF LIMITATION AND RELATED MATTERS.

DIVISION 1.—*Preliminary.*

- 12.** The provisions of this Part have effect subject to the provisions of Part III of this Act. Relation-
ship to
Part III.
cf. 2 & 3
Geo. 6,
c. 21, s. 1.
- 13.** Where, under each of two or more provisions of this Part, an action is not maintainable if brought after a specified time, the action is not maintainable if brought after the earlier or earliest of those times. More than
one bar.
cf. 2 & 3
Geo. 6, c.
21, s. 2 (3)
proviso.

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DIVISION 2.—*General.*

General.

14. (1) An action on any of the following causes of action is not maintainable if brought after the expiration of a limitation period of six years running from the date on which the cause of action first accrues to the plaintiff or to a person through whom he claims—

cf. 2 & 3
Geo. 6, c. 21,
s. 2 (1) (a).

(a) a cause of action founded on contract (including quasi contract) not being a cause of action founded on a deed;

cf. 2 & 3
Geo. 6, c. 21,
s. 2 (1) (a).

(b) a cause of action founded on tort, including a cause of action for damages for breach of statutory duty;

cf. 2 & 3
Geo. 6, c. 21,
s. 2 (1) (b).

(c) a cause of action to enforce a recognizance;

cf. 2 & 3
Geo. 6, c. 21,
s. 2 (1) (d).

(d) a cause of action to recover money recoverable by virtue of an enactment, other than a penalty or forfeiture or sum by way of penalty or forfeiture.

(2) This section does not apply to—

(a) a cause of action to which section 19 of this Act applies; or

(b) a cause of action for contribution to which section 26 of this Act applies.

(3) For the purposes of paragraph (d) of subsection (1) of this section, “enactment” includes not only an enactment of New South Wales but also an enactment of the Imperial Parliament, an enactment of another State of the Commonwealth, an enactment of the Commonwealth, an enactment of a Territory of the Commonwealth and an enactment of any other country.

Accounts.

cf. 2 & 3
Geo. 6, c. 21,
s. 2 (2).

15. An action on a cause of action for an account founded on a liability at law to account is not maintainable in respect of any matter if brought after the expiration of a limitation period of six years running from the date on which the matter arises.

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16. An action on a cause of action founded on a deed is not maintainable if brought after the expiration of a limitation period of twelve years running from the date on which the cause of action first accrues to the plaintiff or to a person through whom he claims.

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Deed.
cf. 2 & 3
Geo. 6, c. 21,
s. 2 (3).

17. (1) An action on a cause of action on a judgment is not maintainable if brought after the expiration of a limitation period of twelve years running from the date on which the judgment first becomes enforceable by the plaintiff or by a person through whom he claims.

Judgment.
cf. 2 & 3
Geo. 6, c. 21,
s. 2 (4).

(2) A judgment of a court of a place outside New South Wales becomes enforceable for the purposes of this section on the date on which the judgment becomes enforceable in the place where the judgment is given.

(3) Subsection (2) of this section does not apply to a judgment of a court of the Commonwealth, not being a court of a Territory of the Commonwealth.

18. (1) An action on a cause of action to recover a penalty or forfeiture, or sum by way of penalty or forfeiture, recoverable by virtue of an enactment, is not maintainable if brought after the expiration of a limitation period of two years running from the date on which the cause of action first accrues to the plaintiff or to a person through whom he claims.

Penalty and
forfeiture.
cf. 2 & 3
Geo. 6, c.
21, s. 2 (5).

(2) In this section "penalty" does not include a fine to which a person is liable on conviction for a criminal offence.

cf. 2 & 3
Geo. 6, c.
21, s. 2 (5)
proviso.

19. An action on a cause of action arising under section 3 or section 6B of the Compensation to Relatives Act of 1897, by virtue of a death, is not maintainable if brought after the expiration of a limitation period of six years running from the date of the death.

Compensation to
relatives.
cf. Act No.
31, 1897,
s. 5.

20.

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No. 31, 1969 **20.** (1) An action on a cause of action to enforce an award of an arbitrator is not maintainable if brought after the expiration of the limitation period fixed by subsection (2) of this section running from the date on which the cause of action first accrues to the plaintiff or to a person through whom he claims.

Arbitral award.
cf. 2 & 3
Geo. 6, c.
21, s. 2 (1)
(c), (d),
(3).

(2) The limitation period for the purposes of subsection (1) of this section is—

(a) where the award is made under an arbitration agreement and the arbitration agreement is made by deed—twelve years; and

(b) in any other case—six years.

(3) For the purposes of this section a cause of action to enforce an award of an arbitrator accrues on the date on which default first happens in observance of the award, being the default in respect of which the action is brought.

cf. Act No.
29, 1902,
s. 3.

(4) In this section, “arbitration agreement” means an agreement to submit present or future differences to arbitration, whether an arbitrator is named in the agreement or not.

(5) This section applies to an award of an arbitrator under any Act regulations rules by-laws order or scheme, but applies to such an award subject to the provisions of the Act regulations rules by-laws order or scheme.

Successive wrongs to goods.
cf. 2 & 3
Geo. 6, c. 21,
s. 3 (1).

21. Where—

(a) a cause of action for the conversion or detention of goods accrues to a person; and

(b) afterwards, possession of the goods not having been recovered by him or by a person claiming through him, a further cause of action for the conversion or detention of the goods or a cause of action to recover the proceeds of sale of the goods accrues to him or to a person claiming through him,

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an action on the further cause of action for conversion or detention or on the cause of action to recover the proceeds of sale is not maintainable if brought after the expiration of a limitation period of six years running from the date when the first cause of action first accrues to the plaintiff or to a person through whom he claims. No. 31, 1969

22. (1) Paragraph (a) of subsection (1) of section 14 of this Act applies to a cause of action to recover a seaman's wages, but otherwise sections 14 to 21 inclusive of this Act do not apply to a cause of action in rem in Admiralty. Shipping.
cf. 2 & 3
Geo. 6, c. 21,
s. 2 (6).

(2) An action on a cause of action to enforce a claim or lien against a vessel or her owners in respect of any damage or loss to another vessel, her cargo or freight, or any property on board her, or damage for loss of life or personal injuries suffered by any person on board her, caused by the fault of the former vessel, whether such vessel be wholly or partly in fault, is not maintainable if brought after the expiration of a limitation period of two years running from the date when the damage loss or injury is caused. cf. Com-
monwealth
Act No. 4,
1913, s. 396
(1).

(3) An action on a cause of action to enforce a claim or lien in respect of any salvage services is not maintainable if brought after the expiration of a limitation period of two years running from the date when the salvage services are rendered. cf. Com-
monwealth
Act No. 4,
1913, s. 396
(1).

(4) For the purposes of an action in a court, the court— cf. Com-
monwealth
Act No. 4,
1913, s. 396
(3).

(a) may extend the limitation period mentioned in subsection (2) or subsection (3) of this section to such an extent and on such terms as it thinks fit; and

(b) shall, if satisfied that there has not during the limitation period been a reasonable opportunity of arresting the defendant vessel within the jurisdiction of the court, or within the territorial waters of the country to which the plaintiff's vessel belongs or in which the plaintiff resides or has his principal place

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place of business, extend the limitation period to an extent sufficient to give a reasonable opportunity of so arresting the defendant vessel.

cf. Commonwealth Act No. 4, 1913, s. 396 (4).

(5) For the purposes of this section—

(a) “freight” includes passage money and hire;

cf. Commonwealth Act No. 4, 1913, s. 6 (1).

(b) “vessel” means a vessel used in navigation, other than air navigation, and includes a barge lighter or like vessel; and

cf. Commonwealth Act No. 4, 1913, s. 396 (4).

(c) reference to damage or loss caused by the fault of a vessel extends to any salvage or other expenses, consequent upon that fault, recoverable at law by way of damages.

(6) Part III of this Act does not apply to a cause of action to which subsection (2) or subsection (3) of this section applies.

Equitable relief.
cf. 2 & 3 Geo. 6, c. 21, s. 2 (7).

23. Sections 14, 16, 17, 18, 20 and 21 of this Act do not apply, except so far as they may be applied by analogy, to a cause of action for specific performance of a contract or for an injunction or for other equitable relief.

Arrears of income.
cf. 2 & 3 Geo. 6, c. 21, ss. 2 (4), 17, 20.

24. (1) Subject to subsection (2) of this section an action on a cause of action to recover arrears of income is not maintainable if brought after the expiration of a limitation period of six years running from the date on which the cause of action first accrues to the plaintiff or to a person through whom he claims.

(2) An action on a cause of action to recover arrears of interest on principal money is not maintainable if brought after the expiration of the limitation period fixed by or under this Act for an action between the same parties to recover the principal money.

(3)

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(3) Subsections (1) and (2) of this section do not apply to a cause of action to which section 43 of this Act applies. No. 31, 1969

(4) For the purposes of this section a cause of action to recover arrears of income includes a cause of action to recover the arrears from any person, whether as principal surety or otherwise.

25. In an action in which any party to the action seeks relief against forfeiture of a lease, the party seeking the relief is not to be required, as a term of relief against forfeiture, to pay rent for the recovery of which, by reason of the expiration of a limitation period fixed by or under this Act, an action would not be maintainable if brought on the date on which the firstmentioned action is brought. Relief against forfeiture of lease.

26. (1) An action on a cause of action for contribution under subsection (1) of section 5 of the Law Reform (Miscellaneous Provisions) Act, 1946, is not maintainable if brought after the first to expire of— Contribution between tortfeasors. cf. 1963 c. 47, s. 4.

- (a) a limitation period of two years running from the date on which the cause of action for contribution first accrues to the plaintiff or to a person through whom he claims; and
- (b) a limitation period of four years running from the date of the expiration of the limitation period for the principal cause of action.

(2) For the purposes of paragraph (a) of subsection (1) of this section, the date on which a cause of action for contribution first accrues is— cf. 1963 c. 47, s. 4 (2).

- (a) if the plaintiff in the action for contribution or a person through whom he claims is liable in respect of the damage for which contribution is claimed by judgment in a civil action or by arbitral award—the date on which the judgment is given or the award is made, whether or not, in the case of a judgment, the judgment is afterwards varied as to quantum of damages; or

(b)

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(b) if, in a case to which paragraph (a) of this subsection does not apply, the plaintiff in the action for contribution or a person through whom he claims makes an agreement with a person having a cause of action for the damage for which the cause of action for contribution arises, which agreement fixes, as between the parties to the agreement, the amount of the liability in respect of that damage of the plaintiff in the action for contribution or a person through whom he claims—the date on which the agreement is made.

(3) In paragraph (b) of subsection (1) of this section, the expression “the limitation period for the principal cause of action” means the limitation period fixed by or under this Act or by or under any other enactment (including an enactment repealed or omitted by this Act) for the cause of action for the liability in respect of which contribution is sought.

(4) Nothing in this section affects the construction of section 5 of the Law Reform (Miscellaneous Provisions) Act, 1946.

DIVISION 3.—*Land.*

General.

cf. 2 & 3

Geo. 6, c. 21,

s. 4 (1).

27. (1) An action on a cause of action to recover land is not maintainable by the Crown if brought after the expiration of a limitation period of thirty years running from the date on which the cause of action first accrues to the Crown or to a person through whom the Crown claims.

cf. 2 & 3

Geo. 6, c. 21,

s. 4 (3).

(2) Subject to subsection (3) of this section an action on a cause of action to recover land is not maintainable by a person other than the Crown if brought after the expiration of a limitation period of twelve years running from the date on which the cause of action first accrues to the plaintiff or to a person through whom he claims.

cf. 2 & 3

Geo. 6, c. 21, s. 4 (3) proviso.

(3) Subsection (2) of this section does not apply to an action brought by a person claiming through the Crown and brought on a cause of action which accrues to the Crown.

(4)

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(4) Where a cause of action to recover land accrues to the Crown, an action on that cause of action is not maintainable by a person claiming through the Crown if brought after the expiration of the first to expire of—

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cf. 2 & 3
Geo. 6, c.
21, s. 4 (3)
proviso.

- (a) the limitation period fixed by or under this Act for an action on that cause of action by the Crown; and
- (b) a limitation period of twelve years running from the date on which the cause of action first accrues (on or after the date of accrual to the Crown) to a person claiming through the Crown.

28. Where the plaintiff in an action on a cause of action to recover land or a person through whom he claims—

Accrual—
dispossession or discontinuance.
cf. 2 & 3
Geo. 6, c.
21, s. 5 (1).

- (a) has been in possession of the land; and
- (b) while entitled to the land, is dispossessed or discontinues his possession,

the cause of action accrues on the date of dispossession or discontinuance.

29. Where—

Accrual—
deceased in
possession.
cf. 2 & 3
Geo. 6, c.
21, s. 5 (2).

- (a) the estate or interest claimed in an action on a cause of action to recover land is an estate or interest—

- (i) assured as an estate or interest in possession by the will of a deceased person; or
- (ii) passing on intestacy,

to the plaintiff or to a person through whom he claims;

- (b) the deceased is, at the date of his death, in possession by virtue of the estate or interest claimed or by virtue of an estate or interest out of which the assurance is made; and

- (c) no person is, after the date of the death of the deceased and before the date on which the action is brought, in possession—

- (i) by virtue of the estate or interest claimed and under the assurance or intestacy; or
- (ii)

Limitation.

No. 31, 1969

(ii) as personal representative of the deceased, the cause of action accrues on the date of the death of the deceased.

Accrual—
grantor in
possession.
cf. 2 & 3
Geo. 6, c. 21,
s. 5 (3).

30. Where—

- (a) the estate or interest claimed in an action on a cause of action to recover land is an estate or interest assured as an estate or interest in possession (otherwise than by will) to the plaintiff or to a person through whom he claims;
- (b) the person making the assurance is, on the date when the assurance takes effect, in possession by virtue of the estate or interest claimed or by virtue of an estate or interest out of which the assurance is made; and
- (c) no person is, after the date on which the assurance takes effect and before the date on which the action is brought, in possession by virtue of the estate or interest claimed and by virtue of the assurance.

the cause of action accrues on the date on which the assurance takes effect.

Accrual—
future
interests.
cf. 2 & 3
Geo. 6, c. 21,
s. 6 (1).

31. Subject to section 67 of this Act, where—

- (a) the estate or interest claimed in an action on a cause of action to recover land is at any time an estate or interest in reversion or remainder or any other future estate or interest; and
- (b) no person is, at any time after the date on which the estate or interest claimed becomes a present estate or interest and before the date on which the action is brought, in possession by virtue of the estate or interest claimed,

the cause of action accrues on the date on which the estate or interest claimed becomes a present estate or interest.

32.

Limitation.

32. (1) Subject to subsection (2) of this section, a cause of action to recover land by virtue of a forfeiture or breach of condition accrues on the date on which the plaintiff or a person through whom he claims first discovers or may with reasonable diligence discover the facts giving the right of forfeiture or showing that the condition is broken.

No. 31, 1969
Forfeiture
and breach
of condition.
cf. 2 & 3
Geo. 6, c. 21,
s. 8.

(2) Subject to section 33 of this Act, if a cause of action to recover land by virtue of a forfeiture or breach of condition accrues to a person entitled to an estate or interest in reversion or remainder or any other future estate or interest and neither he nor a person claiming under him recovers the land by virtue of the forfeiture or breach of condition, a fresh cause of action to recover the land accrues, on the date on which that estate or interest becomes a present estate or interest, to the person entitled on that date to that estate or interest.

cf. 2 & 3
Geo. 6, c.
21, s. 8
proviso.

33. Where—

- (a) a tenant is in possession of land under a lease for a term reserving a rent amounting to a yearly sum of not less than two dollars;
- (b) the rent is received by a person wrongfully claiming to be entitled to the land subject to the lease; and
- (c) no rent is afterwards received by the landlord and in consequence the term becomes liable to determination by virtue of a forfeiture or breach of condition,

Rent
wrongly
paid.
cf. 2 & 3
Geo. 6, c.
21, s. 9 (3).

the cause of action of the landlord to recover the land from the tenant or from the person receiving the rent and wrongfully claiming to be entitled to the land subject to the lease or from a person claiming under either of them accrues on the date on which the term first becomes liable to determination as mentioned in paragraph (c) of this section.

34.

Limitation.

No. 31, 1969

Tenancies.
cf. 2 & 3
Geo. 6, c.
21, s. 9 (1),
(2).

34. (1) This section applies to—

- (a) a tenancy from year to year or other periodical tenancy;
- (b) a tenancy at will; and
- (c) a tenancy to which section 127 of the Conveyancing Act, 1919, applies.

(2) The cause of action of a person entitled to land subject to a tenancy to which this section applies to recover the land from the tenant or from a person claiming under the tenant accrues on the only or later or latest of such of the following dates as are applicable—

- (a) in the case of a tenancy from year to year or other periodical tenancy—the date of the expiration of the first year or other period of the tenancy;
- (b) in the case of a tenancy at will or a tenancy to which section 127 of the Conveyancing Act, 1919, applies—the date of the expiration of one year after the commencement of the tenancy; and
- (c) in any case where the tenancy is at a rent—the date on which rent payable to the person having the cause of action or a person through whom he claims first becomes overdue,

unless the cause of action accrues on an earlier date by virtue of a demand of possession, forfeiture or breach of condition, or otherwise.

Landlord
and Tenant
(Amend-
ment)
Act, 1948.

35. Where a landlord is forbidden by the Landlord and Tenant (Amendment) Act, 1948, to take proceedings to recover possession of land from any person, the cause of action of the landlord to recover the land from that person accrues on the date on which the landlord ceases to be so forbidden or on the date on which, but for this section, the cause of action would accrue, whichever date is the later.

36.

Limitation.

36. (1) Subject to section 23 of this Act, this Act applies to an action on a cause of action to enforce an equitable estate or interest in land in like manner as it applies to an action on a cause of action to recover land by virtue of a legal estate or interest in land.

No. 31, 1969
Equitable
interest.
cf. 2 & 3
Geo. 6,
c. 21, s. 7
(1).

(2) For the purposes of this Act, but without limiting the generality of subsection (1) of this section, a cause of action to enforce an equitable estate or interest in land accrues in the like manner and circumstances and on the same date as a cause of action to recover the land would accrue if the estate or interest were a legal estate or interest.

cf. 2 & 3
Geo. 6, c. 21,
s. 7 (1).

37. (1) Where land is held on trust under a settlement—

Settled
land.

(a) while there is in existence or there may come into existence a beneficiary whose cause of action to enforce his estate or interest in the land under the settlement has not accrued or has not been barred by this Act, nothing in this Act bars a cause of action of the trustee to recover the land or to enforce an equitable estate or interest in the land, so far as the cause of action is necessary to support or give effect to the estate or interest of the beneficiary in the land under the settlement; but

cf. 2 & 3
Geo. 6, c. 21,
s. 7 (4).

(b) when the cause of action of every possible beneficiary to enforce his estate or interest in the land under the settlement is barred by this Act, and the cause of action of the trustee to recover the land or to enforce an equitable estate or interest in the land would, but for paragraph (a) of this subsection, be barred by this Act, an action on a cause of action to recover the land or to enforce an equitable estate or interest in the land is not maintainable by the trustee.

(2) Subject to subsection (3) of this section, where land is held on trust under a settlement and a person entitled to a present estate or interest in the land under the settlement is in possession of the land, a cause of action to recover the land

cf. 2 & 3
Geo. 6, c. 21,
s. 7 (5).

Limitation.

No. 31, 1969 land or to enforce an equitable estate or interest in the land does not, for the purposes of this Act, accrue to the trustee or to any person entitled to an estate or interest in the land under the settlement against the person in possession of the land while the latter person is entitled to the firstmentioned estate or interest and is in possession of the land.

cf. 2 & 3
Geo. 6, c. 21, s 7 (5). (3) Subsection (2) of this section does not apply to a cause of action against—

- (a) a person in possession who is solely and absolutely entitled under the settlement to the land; or
- (b) two or more persons in possession who are absolutely entitled under the settlement to the land as joint tenants or as tenants in common.

(4) In this section, “settlement” means a disposition, inter vivos or by will, of property upon trust, where no person is, immediately after the disposition takes effect, beneficially entitled to the trust property absolutely.

Adverse possession.
cf. 2 & 3
Geo. 6, c. 21, s. 10 (1). **38.** (1) Where, on the date on which, under this Act, a cause of action would, but for this section, accrue, the land is not in adverse possession, the accrual is postponed so that the cause of action does not accrue until the date on which the land is first in adverse possession.

(2) Subject to subsection (3) of this section, where a cause of action accrues to recover land from a person in adverse possession of the land, and the land is afterwards in the adverse possession of a second person, whether the second person claims through the first person or not, the cause of action to recover the land from the second person accrues on the date on which the cause of action to recover the land from the first person first accrues to the plaintiff or to a person through whom he claims.

(3)

Limitation.

(3) Where a cause of action to recover land accrues and afterwards, but before the cause of action is barred by this Act, the land ceases to be in adverse possession, for the purposes of this Act—

No. 31, 1969
cf. 2 & 3
Geo. 6, c. 21,
s. 10 (2).

- (a) the former adverse possession has no effect; and
- (b) a fresh cause of action accrues on, but not before, the date when the land is first again in adverse possession.

(4) For the purposes of this section—

- (a) “adverse possession” is possession by a person whose favour the limitation period can run;
- (b) possession of land subject to a rentcharge by a person who does not pay the rent is possession by him of the rentcharge; and
- (c) in a case to which section 33 of this Act applies, receipt of the rent by a person wrongfully claiming to be entitled to the land subject to the lease is, as against the landlord, adverse possession of the land.

cf. 2 & 3
Geo. 6, c. 21,
s. 10 (1).

cf. 2 & 3
Geo. 6, c. 21,
s. 10 (3)
(a).

cf. 2 & 3
Geo. 6, c. 21,
s. 10 (3)
(b).

(5) Where land is held by joint tenants or tenants in common, possession by a tenant of more than his share, not for the benefit of the other tenant, is, as against the other tenant, adverse possession.

cf. 3 & 4
Wm. IV,
c. 27, s. 12.
Vict. Act
No. 6295,
s. 14 (4).

39. For the purposes of this Act—

- (a) a formal entry on land is not of itself possession or evidence of possession of the land; and
- (b) a claim upon or near land does not preserve a cause of action to recover the land.

Formal
entry and
claim.
cf. 2 & 3
Geo. 6, c. 21,
s. 13.

DIVISION

No. 31, 1969

DIVISION 4.—*Mortgages.*Mortgage
under Real
Property
Act.

40. This Act applies to an action on a cause of action founded on a mortgage registered under the Real Property Act, 1900, to recover from any person any debt damages or other money payable under the mortgage, but otherwise this Act does not affect the right title or remedies under a mortgage so registered of a registered proprietor under that Act of the mortgage or of the mortgaged land.

Redemption.
cf. 2 & 3
Geo. 6, c. 21,
s. 12.

41. An action on a cause of action to redeem mortgaged property in the possession of a mortgagee is not maintainable against that mortgagee if brought after the expiration of a limitation period of twelve years running from the only or later of such of the following dates as are applicable—

(a) the date on which that mortgagee or a person through whom he claims last goes into possession of the property in respect of which the action is brought; and

cf. 2 & 3
Geo. 6, c. 21,
s. 23 (3).

(b) the date on which that mortgagee or a person through whom he claims last receives a payment of principal money or interest secured by the mortgage from the plaintiff or from a person through whom he claims.

Action for
principal,
possession
or fore-
closure.
cf. 2 & 3
Geo. 6, c. 21,
s. 18 (1).

42. (1) An action on a cause of action—

(a) to recover principal money secured by mortgage;

(b) to recover possession of mortgaged property from a mortgagor; or

(c) to foreclose the equity of redemption of mortgaged property,

is not maintainable by a mortgagee under the mortgage if brought after the expiration of a limitation period of twelve years running from the date on which the cause of action first accrues to the plaintiff or to a person through whom he claims.

(2)

Limitation.

(2) Paragraph (a) of subsection (1) of this section No. 31, 1969 applies to a cause of action—

- (a) to recover principal money from any person, whether as principal, surety or otherwise; or
- (b) to recover principal money by way of—
 - (i) the appointment of a receiver of mortgaged property or of the income or profits of mortgaged property;
 - (ii) the sale lease or other disposition or realization of mortgaged property; or
 - (iii) other remedy affecting mortgaged property.

43. (1) An action on a cause of action to recover interest secured by a mortgage is not maintainable by a mortgagee under the mortgage if brought after the expiration of—

Action for interest.
cf. 2 & 3
Geo. 6, c. 21,
s. 18 (5).

- (a) a limitation period of six years running from the only or later of such of the following dates as are applicable—
 - (i) the date on which the cause of action first accrues to the plaintiff or to a person through whom he claims; and
 - (ii) where a mortgagee under a prior mortgage is, on the date mentioned in subparagraph (i) of this paragraph, in possession of all or any of the property comprised in the mortgage securing the interest, and after that date discontinues his possession—the date of discontinuance; or
- (b) the limitation period fixed by or under this Act for an action between the same parties on a cause of action to recover the principal money bearing the interest,

whichever limitation period first expires.

(2)

Limitation.

No. 31, 1969

(2) For the purposes of subsection (1) of this section, a cause of action to recover interest secured by a mortgage includes—

- (a) a cause of action to recover the interest from any person, whether as principal surety or otherwise; and
- (b) a cause of action to recover the interest by way of—
 - (i) the appointment of a receiver of mortgaged property or of income or profits of mortgaged property;
 - (ii) sale, lease or other disposition or realization of the mortgaged property; or
 - (iii) other remedy affecting mortgaged property.

Adjustment of interest.

44. (1) In an action for redemption or otherwise in respect of a mortgage of property including an action in respect of the proceeds of sale or other realization of property subject to a mortgage—

- (a) a mortgagor is not, as against a mortgagee, to be required to pay or bear interest which could not, by reason of a period of limitation fixed by or under this Act, be recovered in an action by that mortgagee against that mortgagor brought on the date on which the firstmentioned action is brought; and
- (b) in adjusting the rights of a mortgagor and a mortgagee the mortgagee is not to be entitled to the interest mentioned in paragraph (a) of this subsection.

(2) Where—

- (a) interest becomes due under a mortgage; and

(b)

Limitation.

(b) a mortgagee—

No. 31, 1969

- (i) holds money on the date on which the interest becomes due; or
 - (ii) after that date but before the expiration of the limitation period fixed by or under this Act for an action on a cause of action to recover that interest by that mortgagee against a mortgagor, receives money; and
- (c) before or after the bringing of an action to which subsection (1) of this section applies, that mortgagee or a person claiming through him properly applies that money in or towards satisfaction of that interest,

subsection (1) of this section does not, as against the person so applying that money or a person claiming through him, apply to that interest to the extent to which it is so satisfied.

45. A mortgagee shall not, after the date on which an action on a cause of action to recover principal money secured by the mortgage within the meaning of section 42 of this Act by him against any person is barred by this Act, exercise, as against that person or a person claiming through him, a power—

- (a) of sale lease or other disposition or realization of the mortgaged property;
- (b) to appoint a receiver; or
- (c) otherwise affecting the mortgaged property.

46. This Division does not apply to a mortgage registered under the Imperial Act known as the Merchant Shipping Act, 1894, as amended from time to time, being a mortgage of a registered ship or a share therein within the meaning of that Imperial Act as so amended.

DIVISION

No. 31, 1969

DIVISION 5.—*Trusts.*

Fraud and
conversion;
trust
property.

47. (1) An action on a cause of action—

cf. 2 & 3
Geo. 6, c. 21,
s. 19 (1)
(a).

(a) in respect of fraud or a fraudulent breach of trust, against a person who is, while a trustee, a party or privy to the fraud or the breach of trust or against his successor;

cf. 2 & 3
Geo. 6, c. 21,
s. 19 (1)
(b).

(b) for a remedy for the conversion to a person's own use of trust property received by him while a trustee, against that person or against his successor;

cf. 2 & 3
Geo. 6, c. 21,
ss. 19 (1)
(b), (2), 20.

(c) to recover trust property, or property into which trust property can be traced, against a trustee or against any other person; or

cf. 2 & 3
Geo. 6, c. 21,
s. 20.

(d) to recover money on account of a wrongful distribution of trust property, against the person to whom the property is distributed or against his successor,

is not maintainable by a trustee of the trust or by a beneficiary under the trust or by a person claiming through a beneficiary under the trust if brought after the expiration of the only or later to expire of such of the following limitation periods as are applicable—

(e) a limitation period of twelve years running from the date on which the plaintiff or a person through whom he claims first discovers or may with reasonable diligence discover the facts giving rise to the cause of action and that the cause of action has accrued; and

(f) the limitation period for the cause of action fixed by or under any provision of this Act other than this section.

(2) Except in the case of fraud or a fraudulent breach of trust, and except so far as concerns income converted by a trustee to his own use or income retained and still

Limitation.

still held by the trustee or his successor at the time when the action is brought, this section does not apply to an action on a cause of action to recover arrears of income. No. 31, 1969

48. An action on a cause of action in respect of a breach of trust is not maintainable if brought after the expiration of the only or later to expire of such of the following periods of limitation as are applicable— Breach of trust.
cf. 2 & 3
Geo. 6, c. 21,
s. 19 (2).

- (a) a limitation period of six years running from the date on which the cause of action first accrues to the plaintiff or to a person through whom he claims; and
- (b) the limitation period for the cause of action fixed by or under any provision of this Act other than this section.

49. For the purposes of this Division, a cause of action of a beneficiary in respect of a future estate or interest accrues on the date on which the estate or interest becomes a present estate or interest or on the date on which the cause of action would, but for this section, accrue, whichever date is the later. Accrual—
future
interest.
cf. 2 & 3
Geo. 6, c. 21,
s. 19 (2)
proviso.

50. Where a beneficiary under a trust brings an action in respect of the trust, another beneficiary under the trust is not entitled to derive from the action any benefit for which, by reason of this Act, an action by him is not maintainable if brought on the date on which the firstmentioned action is brought. Beneficiaries
other
than the
plaintiff.
cf. 2 & 3
Geo. 6, c. 21,
s. 19 (3).

No. 31, 1969

PART III.

POSTPONEMENT OF THE BAR.

DIVISION 1.—*General.*

Ultimate
bar.
cf. 2 & 3
Geo. 6, c. 21,
s. 22 (1)
proviso
(c).

51. Notwithstanding the provisions of this Part, an action on a cause of action for which a limitation period is fixed by or under Part II of this Act is not maintainable if brought after the expiration of a limitation period of thirty years running from the date from which the limitation period for that cause of action fixed by or under Part II of this Act runs.

DIVISION 2.—*Disability, confirmation, fraud and mistake.*

Disability.
cf. 2 & 3
Geo. 6, c. 21,
s. 22 (1).

52. (1) Subject to subsections (2) and (3) of this section and subject to section 53 of this Act, where—

- (a) a person has a cause of action;
- (b) the limitation period fixed by this Act for the cause of action has commenced to run; and
- (c) the person is under a disability,

in that case—

- (d) the running of the limitation period is suspended for the duration of the disability; and
- (e) if, but for this paragraph, the limitation period would expire before the lapse of three years after—
 - (i) the date on which he last (before the expiration of the limitation period) ceases to be under a disability; or
 - (ii) the date of his death,

(whichever date is the earlier), the limitation period is extended so as to expire three years after the earlier of those dates.

(2) This section applies whenever a person is under a disability, whether or not he is under the same or another disability at any time during the limitation period.

(3)

Limitation.

(3) This section does not apply to a cause of action **No. 31, 1969** to recover a penalty or forfeiture or sum by way of penalty or forfeiture, except where the person having the cause of action is an aggrieved party.

cf. 2 & 3
Geo. 6, c. 21,
s. 22 (1)
proviso (c).

53. (1) In this section, "curator" means—

Notice to
proceed.

(a) in respect of a person—

(i) who is a patient within the meaning of the Mental Health Act, 1958, including a person detained in a mental hospital under Part VII of that Act;

(ii) who is a voluntary patient within the meaning of that Act whose property has been taken in charge under section 22 of that Act by the Master in the Protective Jurisdiction of the Supreme Court; or

(iii) to whose property section 101 of that Act applies—

the Master in the Protective Jurisdiction of the Supreme Court;

(b) in respect of a protected person within the meaning of that Act, where a committee of his estate is appointed under section 38 of that Act—the committee;

(c) in respect of an incapable person within the meaning of that Act, where a manager of his property is appointed under section 39 of that Act—the manager; and

(d) in respect of a person of whose estate a committee is appointed under section 48 of that Act—the committee.

(2) Where a person having a cause of action is under a disability but has a curator, a person against whom the cause of action lies may give to the curator a notice to proceed in accordance with this section.

(3)

Limitation.

No. 31, 1969 (3) Where, after a notice to proceed is given under this section, an action is brought—

- (a) by the person under a disability or by his curator or by a person claiming under the person under a disability;
- (b) on a cause of action to which the notice to proceed relates; and
- (c) against the person giving the notice to proceed or against his successor under a devolution happening after the notice to proceed is given,

subsection (1) of section 52 of this Act has effect as if—

- (d) the person under a disability ceases, on the date of the giving of the notice, to be under any disability under which he is immediately before the giving of the notice; and
- (e) he does not, after the giving of the notice, come under that disability.

(4) A notice to proceed under subsection (2) of this section must—

- (a) be in writing;
- (b) be addressed to the curator;
- (c) show the name of the person under a disability;
- (d) state the circumstances out of which the cause of action may arise or may be claimed to arise with such particularity as is necessary to enable the curator to investigate the question whether the person under a disability has the cause of action;
- (e) give warning that a cause of action arising out of the circumstances stated in the notice is liable to be barred by this Act; and
- (f) be signed by the person giving the notice.

(5)

Limitation.

(5) Minor deviations from the requirements of sub-section (4) of this section, not affecting the substance nor likely to mislead, do not invalidate a notice to proceed. No. 31, 1969

(6) A notice to proceed to be given to the Master in the Protective Jurisdiction of the Supreme Court shall be given by leaving it at the office of the Master.

(7) A notice to proceed to be given to a curator, other than the Master in the Protective Jurisdiction of the Supreme Court, may be given by—

- (a) delivering the notice to proceed to the curator;
- (b) leaving the notice to proceed at the usual or last-known place of business or of abode of the curator;
or
- (c) posting the notice to proceed by the certified mail service to the curator at his usual or last-known place of business or of abode.

(8) A notice to proceed given in accordance with subsection (6) or subsection (7) of this section is, for the purposes of this section, given on the date of leaving delivering or posting as the case may be.

(9) Subsections (7) and (8) of this section do not prevent the giving of a notice to proceed to a curator, other than the Master in the Protective Jurisdiction of the Supreme Court, by any other means.

(10) A notice to proceed under this section is not a confirmation for the purposes of section 54 of this Act and is not an admission for any purpose by the person giving the notice.

Limitation.

No. 31, 1969

Confirmation.

cf. 2 & 3

Geo. 6, c. 21,

s. 23 (1),

(4).

54. (1) Where, after a limitation period fixed by or under this Act for a cause of action commences to run but before the expiration of the limitation period, a person against whom (either solely or with other persons) the cause of action lies confirms the cause of action, the time during which the limitation period runs before the date of the confirmation does not count in the reckoning of the limitation period for an action on the cause of action by a person having the benefit of the confirmation against a person bound by the confirmation.

(2) For the purposes of this section—

(a) a person confirms a cause of action if, but only if, he—

(i) acknowledges, to a person having (either solely or with other persons) the cause of action, the right or title of the person to whom the acknowledgment is made; or

(ii) makes, to a person having (either solely or with other persons) the cause of action, a payment in respect of the right or title of the person to whom the payment is made;

cf. 2 & 3

Geo. 6, c. 21,

s. 23 (4)

proviso.

(b) a confirmation of a cause of action to recover interest on principal money operates also as a confirmation of a cause of action to recover the principal money; and

cf. 2 & 3

Geo. 6, c. 21,

s. 23 (4)

proviso.

(c) a confirmation of a cause of action to recover income falling due at any time operates also as a confirmation of a cause of action to recover income falling due at a later time on the same account.

cf. 2 & 3

Geo. 6, c. 21,

s. 23 (1)

(b).

(3) Where a person has (either solely or with other persons) a cause of action to foreclose the equity of redemption of mortgaged property or to recover possession of mortgaged property, a payment to him of principal or interest secured by the mortgage or a payment to him otherwise in respect of his right or title to the mortgage is a confirmation by the payer of the cause of action.

cf. 2 & 3

Geo. 6, c. 21,

s. 24 (1).

(4) An acknowledgment for the purposes of this section must be in writing and signed by the maker.

(5)

Limitation.

(5) For the purposes of this section a person has the benefit of a confirmation if, but only if, the confirmation is made to him or to a person through whom he claims. No. 31, 1969

(6) For the purposes of this section a person is bound by a confirmation if, but only if— cf. 2 & 3
Geo. 6, c. 21,
s. 25 (3),
(5), (6),
(7).

- (a) he is a maker of the confirmation;
- (b) he is, in relation to the cause of action, a successor of a maker under a devolution from the maker occurring after the making of the confirmation;
- (c) where the maker is, at the time when he makes the confirmation, (either solely or with other persons) a trustee of the will or of the estate of a deceased person—the firstmentioned person is at the date of the confirmation or afterwards becomes a trustee of the will or of the estate;
- (d) where the maker is, at the time when he makes the confirmation, (either solely or with other persons) a trustee (other than a trustee of the will or of the estate of a deceased person)—the firstmentioned person is at the date of the confirmation or afterwards becomes a trustee of the trust of which the maker is a trustee; or
- (e) he is bound under subsection (7) of this section.

(7) (a) Paragraph (b) of this subsection applies to a confirmation of a cause of action— cf. 2 & 3
Geo. 6, c. 21,
s. 25 (1),
(2).

- (i) to recover property, being goods;
- (ii) to recover property, being land;
- (iii) to enforce in respect of property an equitable estate or interest in land;
- (iv) to foreclose the equity of redemption of mortgaged property;
- (v) to redeem mortgaged property;
- (vi) to recover principal money or interest secured by mortgage of property, by way of the appointment of a receiver of mortgaged property or of the income or profits of mortgaged property or by way of

Limitation.

No. 31, 1969

of sale, lease or other disposition of mortgaged property or by way of other remedy affecting mortgaged property; or

(vii) to recover trust property or property into which trust property can be traced.

(b) Where a maker of a confirmation to which this paragraph applies is, on the date of the confirmation, in possession of the property, the confirmation binds a person in possession during the ensuing period of limitation, not being, or claiming through, a person other than the maker who is, on the date of the confirmation, in possession of the property.

Fraud and
deceit.

cf. 2 & 3
Geo. 6, c. 21,
s. 26 (a),
(b).

55. (1) Subject to subsection (3) of this section where—

- (a) there is a cause of action based on fraud or deceit; or
- (b) a cause of action or the identity of a person against whom a cause of action lies is fraudulently concealed,

the time which elapses after a limitation period fixed by or under this Act for the cause of action commences to run and before the date on which a person having (either solely or with other persons) the cause of action first discovers, or may with reasonable diligence discover, the fraud deceit or concealment, as the case may be, does not count in the reckoning of the limitation period for an action on the cause of action by him or by a person claiming through him against a person answerable for the fraud deceit or concealment.

cf. 2 & 3
Geo. 6, c. 21,
s. 26 (a),
(b).

(2) Subsection (1) of this section has effect whether the limitation period for the cause of action would, but for this section, expire before or after the date mentioned in that subsection.

(3)

Limitation.

(3) For the purposes of subsection (1) of this section, a person is answerable for fraud deceit or concealment if, but only if—

- (a) he is a party to the fraud deceit or concealment;
or
- (b) he is, in relation to the cause of action, a successor of a party to the fraud deceit or concealment under a devolution from the party occurring after the date on which the fraud deceit or concealment first occurs.

(4) Where property is, after the first occurrence of fraud deceit or concealment, purchased for valuable consideration by a person who is not a party to the fraud deceit or concealment and does not, at the time of the purchase, know or have reason to believe that the fraud deceit or concealment has occurred, subsection (1) of this section does not, in relation to that fraud deceit or concealment, apply to a limitation period for a cause of action against the purchaser or a person claiming through him.

56. (1) Subject to subsection (3) of this section, where there is a cause of action for relief from the consequences of a mistake, the time which elapses after a limitation period fixed by or under this Act for the cause of action commences to run and before the date on which a person having (either solely or with other persons) the cause of action first discovers, or may with reasonable diligence discover, the mistake does not count in the reckoning of the limitation period for an action on the cause of action by him or by a person claiming through him.

(2) Subsection (1) of this section has effect whether the limitation period for the cause of action would, but for this section, expire before or after the date mentioned in that subsection.

(3)

No. 31, 1969 (3) Where property is, after a transaction in which a mistake is made, purchased for valuable consideration by a person who does not, at the time of the purchase, know or have reason to believe that the mistake has been made, subsection (1) of this section does not apply to a limitation period for a cause of action for relief from the consequences of the mistake against the purchaser or a person claiming through him.

cf. 2 & 3
Geo. 6, c. 21,
s. 26
proviso (ii).

DIVISION 3.—Personal injury cases.

Interpreta-
tion.

cf. 2 & 3
Geo. 6, c. 21,
s. 31 (1).

cf. 1963
c. 47,
s. 7 (3).

57. (1) For the purposes of this Division—

(a) “personal injury” includes any disease and any impairment of the physical or mental condition of a person;

(b) the material facts relating to a cause of action include the following—

(i) the fact of the occurrence of negligence nuisance or breach of duty on which the cause of action is founded;

(ii) the identity of the person against whom the cause of action lies;

(iii) the fact that the negligence nuisance or breach of duty causes personal injury;

(iv) the nature and extent of the personal injury so caused; and

(v) the extent to which the personal injury is caused by the negligence nuisance or breach of duty;

(c) material facts relating to a cause of action are of a decisive character if, but only if, a reasonable man, knowing those facts and having taken the appropriate advice on those facts, would regard those facts as showing—

(i) that an action on the cause of action would (apart from the effect of the expiration of a limitation period) have a reasonable prospect

Limitation.

prospect of success and of resulting in an award of damages sufficient to justify the bringing of an action on the cause of action; and

- (ii) that the person whose means of knowledge is in question ought, in his own interests, and taking his circumstances into account, to bring an action on the cause of action;
- (d) “appropriate advice”, in relation to facts, means the advice of competent persons, qualified in their respective fields to advise on the medical legal and other aspects of the facts, as the case may require; cf. 1963 c. 47, s. 7 (8).
- (e) a fact is not within the means of knowledge of a person at a particular time if, but only if— cf. 1963 c. 47, s. 7 (5).
- (i) he does not, at that time, know the fact; and
- (ii) in so far as the fact is capable of being ascertained by him, he has, before that time, taken all reasonable steps to ascertain the fact; and
- (f) “limitation period” means a limitation period fixed by an enactment repealed or omitted by this Act or fixed by or under this Act.

(2) In this Division the expression “breach of duty” extends to the breach of any duty, whether arising by statute, contract or otherwise, and includes trespass to the person. cf. 1963 c. 47, s. 1 (2).

58. (1) This section applies to a cause of action founded on negligence nuisance or breach of duty, for damages for personal injury, not being a cause of action which has survived on the death of a person for the benefit of his estate under section 2 of the Law Reform (Miscellaneous Provisions) Act, 1944, and not being a cause of action which arises under section 3 of the Compensation to Relatives Act of 1897. Ordinary action. cf. 1963 c. 47, ss. 1, 2.

(2)

Limitation.

No. 31, 1969

(2) Where, on application to a court by a person claiming to have a cause of action to which this section applies, it appears to the court that—

- (a) any of the material facts of a decisive character relating to the cause of action was not within the means of knowledge of the applicant until a date after the commencement of the year preceding the expiration of the limitation period for the cause of action; and
- (b) there is evidence to establish the cause of action, apart from any defence founded on the expiration of a limitation period,

the court may order that the limitation period for the cause of action be extended so that it expires at the end of one year after that date and thereupon, for the purposes of an action on that cause of action brought by the applicant in that court, and for the purposes of paragraph (b) of subsection (1) of section 26 of this Act, the limitation period is extended accordingly.

cf. 1963
c. 47, s. 6.

(3) This section applies to a cause of action whether or not a limitation period for the cause of action has expired—

- (a) before the commencement of this Act; or
- (b) before an application is made under this section in respect of the cause of action.

Surviving
action.
cf. 1963
c. 47, ss.
1, 2, 3.

59. (1) This section applies to a cause of action founded on negligence nuisance or breach of duty, for damages for personal injury, which has survived on the death of a person for the benefit of his estate under section 2 of the Law Reform (Miscellaneous Provisions) Act, 1944.

(2) Where, on application to a court by a person claiming to have a cause of action to which this section applies, it appears to the court that—

- (a) any of the material facts of a decisive character relating to the cause of action was not within the means of knowledge of either the deceased or the applicant

Limitation.

applicant until a date after the commencement of the year next preceding the expiration of the limitation period for the cause of action; and No. 31, 1969

- (b) there is evidence to establish the cause of action, apart from any defence founded on the expiration of a limitation period,

the court may order that the limitation period for the cause of action be extended so that it expires at the end of one year after that date and thereupon, for the purposes of an action on that cause of action brought by the applicant in that court, and for the purposes of paragraph (b) of subsection (1) of section 26 of this Act, the limitation period is extended accordingly.

(3) For the purposes of this section, the material facts of a decisive character do not include facts relating only to—

- (a) damages not recoverable by the applicant; or
(b) funeral expenses of the deceased.

(4) This section applies to a cause of action whether or not a limitation period for the cause of action has expired— cf. 1963
c. 47, s. 6.

- (a) before the commencement of this Act; or
(b) before an application is made under this section in respect of the cause of action.

60. (1) This section applies to a cause of action for damages which arises (or which would arise, but for the expiration as against the deceased of a limitation period before or after the commencement of this Act) under section 3 of the Compensation to Relatives Act of 1897 by virtue of the death of a person caused by a wrongful act neglect or default. Compensa-
tion to
relatives.
cf. 1963
c. 47, ss.
1, 2, 3.

(2)

Limitation.

No. 31, 1969

(2) Where, on application to a court by a person claiming to have a cause of action to which this section applies, it appears to the court that—

- (a) any of the material facts of a decisive character relating to the cause of action of the deceased in respect of the wrongful act neglect or default was not within the means of knowledge of the deceased at any time before the year next preceding the death of the deceased; and
- (b) there is evidence to establish the cause of action which the applicant claims to have, apart from the expiration as against the deceased of a limitation period,

the court may order that the expiration as against the deceased of a limitation period for a cause of action by him in respect of the wrongful act neglect or default have no effect in relation to the cause of action which the applicant claims to have and thereupon, for the purposes of an action brought by the applicant in that court on the cause of action which he claims to have, that expiration has no effect.

(3) Where, by virtue of this section, the expiration as against the deceased of a limitation period for a cause of action by him in respect of a wrongful act neglect or default has no effect in relation to a cause of action to which this section applies, and the person against whom the lastmentioned cause of action lies brings an action for contribution under subsection (1) of section 5 of the Law Reform (Miscellaneous Provisions) Act, 1946, the expiration as against the deceased of a limitation period for a cause of action by the deceased in respect of a wrongful act neglect or default has no effect in relation to the action for contribution.

Prior bar
ineffective.

61. Where, after the expiration of a limitation period to which this Division applies, the limitation period is extended by order under this Division, the prior expiration of the limitation period has no effect for the purposes of this Act.

62.

Limitation.

62. Where, under this Division, a question arises as to the means of knowledge of a deceased person, the court may have regard to the conduct and statements, oral or in writing, of the deceased person. ^{Evidence.} **No. 31, 1969**

PART IV.

MISCELLANEOUS.

DIVISION 1.—*Extinction of right and title.*

63. (1) Subject to subsection (2) of this section, on the expiration of a limitation period fixed by or under this Act for a cause of action to recover any debt damages or other money, the right and title of the person formerly having the cause of action to the debt damages or other money is, as against the person against whom the cause of action formerly lay and as against his successors, extinguished. ^{Debt, damages, etc.}

(2) Where, before the expiration of a limitation period fixed by or under this Act for a cause of action to recover any debt damages or other money, an action is brought on the cause of action, the expiration of the limitation period does not affect the right or title of the plaintiff to the debt damages or other money—

- (a) for the purposes of the action; or
- (b) so far as the right or title is established in the action.

(3) This section does not apply to a cause of action to which section 64 or section 65 of this Act applies.

64. (1) Subject to subsection (2) of this section, on the expiration of a limitation period fixed by or under this Act for a cause of action for an account founded on a liability at law to account in respect of any matter, the right and title of the person formerly having the cause of action and of a person claiming **Account.**

Limitation.

No. 31, 1969 claiming through him in respect of that matter is, as against the person against whom the cause of action formerly lay and as against his successors, extinguished.

(2) Where, before the expiration of a limitation period fixed by or under this Act for a cause of action for an account founded on a liability at law to account in respect of any matter, an action is brought on the cause of action, the expiration of the limitation period does not affect the right or title of the plaintiff in respect of that matter—

(a) for the purposes of the action; or

(b) so far as the right or title is established in the action.

(3) This section does not apply to a cause of action to which section 65 of this Act applies.

Property.
cf. 2 & 3
Geo. 6, c. 21,
ss. 3 (2),
7 (3), 16.
Schedule
Four.

65. (1) Subject to subsection (2) of this section, on the expiration of a limitation period fixed by or under this Act for a cause of action specified in column 1 of Schedule Four to this Act, the title of a person formerly having the cause of action to the property specified opposite the cause of action in column 2 of that Schedule is, as against the person against whom the cause of action formerly lay and as against his successors, extinguished.

(2) Where, before the expiration of a limitation period fixed by or under this Act for a cause of action specified in column 1 of that Schedule, an action is brought on the cause of action, the expiration of the limitation period does not affect the right or title of the plaintiff to property specified in column 2 of that Schedule in respect of which the action is brought—

(a) for the purposes of the action; or

(b) so far as the right or title is established in the action.

*Limitation.***66.** (1) Where—

No. 31, 1969

- (a) an instrument is executed which, if registered, would take effect as a deed;
- (b) a cause of action founded on the instrument accrues; and
- (c) before the material date, the instrument is registered.

Instrument
under Real
Property
Act.

a right or title which would, apart from this section, be extinguished by this Act on the expiration of the limitation period fixed by or under this Act for the cause of action is extinguished on the material date and not before.

(2) For the purposes of this section—

- (a) the “material date” is the date of the expiration of the limitation period which would be fixed by or under this Act for the cause of action if the instrument were a deed; and
- (b) “registered” means registered under the Real Property Act, 1900.

67. (1) Where—

- (a) the title of a person to land for an estate or interest in possession is extinguished by this Act;
- (b) at any time while he has that title he is also entitled to the same land for an estate or interest in remainder or reversion or any other future estate or interest; and
- (c) the land is not, before the estate or interest mentioned in paragraph (b) of this subsection becomes a present estate or interest, recovered by virtue of an intermediate estate or interest,

Future
interest
in land.
cf. 2 & 3
Geo. 6, c. 21,
s. 6 (5).

the estate or interest mentioned in paragraph (b) of this subsection is, on the date on which it becomes a present estate or interest, extinguished.

(2)

Limitation.

No. 31, 1969 (2) For the purposes of this section, a person contingently entitled to an estate or interest in reversion or remainder or any other future estate or interest, or having such an estate or interest vested in him subject to divesting in any event, is entitled to the estate or interest.

Possessory lien. **68.** Notwithstanding this Division, where—
 (a) a person is in possession of goods; and
 (b) he has a lien on the goods for a debt or other money claim payable by a second person,
 the right and title of the first person to the debt or other money claim is, as against the second person and his successors, saved from extinction under this Division for so long as a cause of action of the second person or of a person claiming through the second person for the conversion or detention of the goods or to recover the proceeds of sale of the goods has not accrued or is not barred by this Act, but only so far as is necessary to support and give effect to the lien.

DIVISION 2.—Arbitration.

Interpretation. **69.** (1) In this Division, the expression “provisions for arbitration” means—

cf. 2 & 3
 Geo. 6, c. 21,
 s. 27 (6),
 (7).

cf. Act No.
 29, 1902,
 s. 3.

- (a) the provisions of an agreement to submit present or future differences to arbitration, whether an arbitrator is named in the agreement or not; and
- (b) the provisions of any Act regulations rules by-laws order or scheme requiring or permitting the determination of any matter by arbitration or relating to such an arbitration.

(2) Where the provisions for arbitration are or include the provisions of any Act regulations by-laws order or scheme, this Division has effect subject to the latter provisions.

Limitation.

70. (1) This Act applies to an arbitration in like manner No. 31, 1969 as it applies to an action.

(2) An arbitration for any difference or matter under any provisions for arbitration is not maintainable if commenced after the date of the expiration of the period of limitation fixed by or under this Act for a cause of action in respect of the same difference or matter.

Applica-
tion of
this Act.
cf. 2 & 3
Geo. 6, c. 21,
s. 27 (1).

71. Where, by a term of any provisions for arbitration, a cause of action with respect to any difference or matter referable to arbitration under the provisions does not accrue until the making of an award or the happening of some other event in or relating to the arbitration or does not accrue at all, the cause of action nevertheless accrues, for the purposes of the application of this Division to an arbitration under the provisions, on the date on which it would accrue but for that term.

Accrual.
cf. 2 & 3
Geo. 6, c. 21,
s. 27 (2).

72. (1) For the purposes of this Division—

- (a) where the provisions for arbitration require or permit a party to the arbitration to give notice in writing to another party—
- (i) requiring the other party to appoint or concur in appointing an arbitrator; or
 - (ii) requiring the other party to submit or concur in submitting a difference or matter to a person named or designated in the provisions for arbitration as arbitrator; or
- (b) where, in a case to which paragraph (a) of this subsection does not apply, a party to the arbitration takes a step required or permitted by the provisions for arbitration for the purpose of bringing a difference or matter before an arbitrator and gives to another party notice in writing of the taking of the step,

Commence-
ment.
cf. 2 & 3
Geo. 6, c. 21,
s. 27 (3).

the

Limitation.

No. 31, 1969 the arbitration is commenced, as between the party giving the notice and the party to whom the notice is given, on the date on which the notice is given.

**cf. 2 & 3
Geo. 6, c. 21,
s. 27 (4).** (2) For the purpose of subsection (1) of this section, the date on which a notice is given is the date, or the earlier or earliest of the dates, when the party giving the notice—

- (a) delivers it to the party to whom it is to be given;
- (b) leaves it at the usual or last-known place of business or of abode of the party to whom it is to be given;
- (c) posts it by the certified mail service to the party to whom it is to be given at his usual or last-known place of business or of abode; or
- (d) gives the notice in a manner required or permitted by the provisions for arbitration.

**Extension
of limita-
tion period.
cf. 2 & 3
Geo. 6, c. 21,
s. 27 (5).**

73. (1) Where a court—

- (a) gives leave to revoke a submission under section 4 of the Arbitration Act, 1902;
- (b) removes an arbitrator or umpire under subsection (1) of section 13 of that Act; or
- (c) sets aside an award under subsection (2) of section 13 of that Act,

the court may at the same time or within six months afterwards, whether or not the limitation period fixed by or under this Act for the bringing of an action or for the commencement of an arbitration with respect to the difference or matter under arbitration has expired, order that the whole or any part of the time between the date of the commencement of the arbitration and the date of the order under this section do not count in the reckoning of the limitation period.

(2) Where, after the expiration of a limitation period fixed by or under this Act, a court makes an order under this section, the prior expiration of the limitation period has no effect for the purposes of this Act.

DIVISION

*Limitation.*DIVISION 3.—*General.*

No. 31, 1969

74. Where, in an action (in this section called the principal action), a claim is made by way of set off, counterclaim or cross action, the claim, for the purposes of this Act—

Set off,
etc.
cf. 2 & 3
Geo. 6, c. 21,
s. 28.

- (a) is a separate action; and
- (b) is, as against a person against whom the claim is made, brought on the only or earlier of such of the following dates as are applicable—
 - (i) the date on which he becomes a party to the principal action; and
 - (ii) the date on which he becomes a party to the claim.

75. Where, were it not for this Act, two or more persons would have a cause of action jointly and, by this Act, an action on the cause of action is not maintainable by one or more of them, an action on the cause of action is nonetheless maintainable by the other or others of them and judgment may be given accordingly.

Joint right.

76. Where, were it not for this Act, two or more persons would be liable on a cause of action jointly and, by this Act, an action on the cause of action is not maintainable against one or more of them, an action on the cause of action is nonetheless maintainable against the other or others of them and judgment may be given accordingly.

Joint
liability.
cf. 9 Geo. 4,
c. 14, s. 1.
Act No. 21,
1899, s. 39.

77. (1) Rules of court not inconsistent with this Act may be made for the regulation of the practice and procedure of the court in proceedings under sections 22, 58, 59, 60 and 73 of this Act.

Rules of
Court.

(2)

Limitation.

No. 31, 1969

(2) Rules so made shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the rules; and
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

(3) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the rules have been laid before that House disallowing any rule or part of a rule, that rule or part shall thereupon cease to have effect.

(4) The power to make rules given by this section may be exercised—

- (a) in relation to proceedings in the Supreme Court, by a majority of the judges of the Supreme Court or any five of them; and
 - (b) in relation to proceedings in the District Courts, by a majority of the District Court judges; and
 - (c) in relation to proceedings in courts of petty sessions exercising jurisdiction under the Small Debts Recovery Act, 1912, by the Governor.
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SCHEDULES.

Limitation.

SCHEDULES.

No. 31, 1969

SCHEDULE ONE.

REPEAL OF ENACTMENTS.

Sec. 4 (1),
(2).

Year and chapter or number.	Subject or title.	Extent of repeal.
<i>Part A—Imperial Acts.</i>		
31 Eliz. 1, c. 5 ..	The Common Informers Act, 1588.	Section 5.
21 Jac. 1, c. 16 ..	The Limitation Act, 1623 ..	Sections 3, 4 and 7.
4 and 5 Anne, c. 3 (or 4 and 5 Anne, c. 16).	The Administration of Justice Act, 1705.	Sections 17, 18 and 19.
9 Geo. 3, c. 16 ..	The Crown Suits Act, 1769 ..	The whole Act.
<i>Part B—New South Wales Acts.</i>		
4 Wm. 4, No. 17 ..	An Act for adopting and applying a certain Act of Parliament for rendering a written Memorandum necessary to the validity of certain Promises and Engagements.	The unrepealed portion.
8 Wm. 4, No. 3 ..	An Act for adopting a certain Act of Parliament passed in the Third and Fourth Years of the Reign of His present Majesty King William the Fourth and applying the same in the Administration of Justice in New South Wales in like manner as other Laws of England are applied therein.	The whole Act.
5 Vic. No. 9 ..	An Act for the further amendment of the Law and for the better advancement of Justice.	The unrepealed portion.
26 Vic. No. 12 ..	Trust Property Act of 1862 ..	The unrepealed portion.
47 Vic. No. 7 ..	Limitation of Actions for Trespass Act of 1884.	The unrepealed portion.

SCHEDULE

Limitation.

No. 31, 1969

Sec. 4 (3).

SCHEDULE TWO.

AMENDMENT OF ACTS.

Column 1.		Column 2.
Year and Number of Act.	Short title.	Amendment.
1897 No. 31..	Compensation to Relatives Act of 1897.	Section 5— Omit the words “, and every such action shall be commenced within six years after the death of such deceased person”. Section 6C— Subsection (2)— Omit the subsection.
1899 No. 18..	Landlord and Tenant Act, 1899.	Section 8— Subsection (3)— After the word “arrears” insert the words “the recovery of which by action is not, on the date on which the action in ejectment is brought, barred by the Limitation Act, 1969,”. Subsection (5)— After the word “arrear” insert the words “the recovery of which by action is not, on the date on which the action in ejectment is brought, barred by the Limitation Act, 1969,”. Section 9— Subsection (1)— After the word “arrear” insert the words “on account of rent the recovery of which by action is not, on the date on which the action in ejectment is brought, barred by the Limitation Act, 1969,”. Section 10— Subsection (1)— After the word “arrears” insert the words “the recovery of which by action is not, on the date on which the action is brought, barred by the Limitation Act, 1969,”.

Limitation.

SCHEDULE TWO— <i>continued.</i>		No. 31, 1969
Column 1.		Column 2.
Year and Number of Act.	Short title.	Amendment.
1899 No. 18..	Landlord and Tenant Act, 1899— <i>continued.</i>	Section 18— Subsection (2)— After the word “arrear” insert the words “the recovery of which by action is not, on the date on which the action is brought, barred by the Limitation Act, 1969.”
1925 No. 14..	Trustee Act, 1925.	Section 69— Omit the section.
1940 No. 32..	Trustee and Wills (Emergency Provisions) Act, 1940.	Section 12— Omit the section.
1944 No. 28..	Law Reform (Miscellaneous Provisions) Act, 1944.	Section 2— Omit subsection (3).

SCHEDULE THREE.

Sec. 4 (5).

CITATION OF ACTS.

Column 1.		Column 2.
Year and Number of Act.	Short title.	Citation.
1897 No. 31..	Compensation to Relatives Act of 1897.	Compensation to Relatives Act, 1897-1969.
1899 No. 18..	Landlord and Tenant Act, 1899.	Landlord and Tenant Act, 1899-1969.
1919 No. 6 ..	Conveyancing Act, 1919.	Conveyancing Act, 1919-1969.
1925 No. 14..	Trustee Act, 1925.	Trustee Act, 1925-1969.
1940 No. 32..	Trustee and Wills (Emergency Provisions) Act, 1940.	Trustee and Wills (Emergency Provisions) Act, 1940-1969.
1944 No. 28..	Law Reform (Miscellaneous Provisions) Act, 1944.	Law Reform (Miscellaneous Provisions) Act, 1944-1969.

SCHEDULE

Limitation.

No. 31, 1969

Sec. 65.

SCHEDULE FOUR.

EXTINCTION OF RIGHT AND TITLE.

Column 1.	Column 2.
Cause of action.	Property.
For conversion or detention of goods ..	The goods.
To recover land.	The land.
To enforce an equitable estate or interest in land.	The equitable estate or interest.
To redeem mortgaged property.	The mortgaged property.
To recover principal money secured by mortgage or to recover possession of mortgaged property from a mortgagor or to foreclose the equity of redemption of mortgaged property, within the meaning of section 42 of this Act.	The mortgaged property.
To recover trust property or property into which trust property can be traced.	The trust property or the property into which the trust property can be traced, as the case may be.

MOTOR