

Limitation periods in Civil Actions

In 2011, the Commission published a [Report on Limitation of Actions](#) (LRC 104-2011) (3rd Programme of Law Reform, Project 4), which followed from its [Consultation Paper on the Law on Limitation of Actions](#) (LRC CP 54-2009). The Report examined the limitation periods for civil claims in the Statute of Limitations Act 1957 and noted that it contains 7 different limitation periods (1, 2, 3, 6, 12, 30 and 60 years) that apply to a wide range of civil actions. These are divided into a number of general headings, including what are called common law actions. This includes the main, high-volume, civil actions in the courts, such as claims concerning contracts (including debt-related claims) and torts (including personal injury actions). As well as the complexity of the rules in the 1957 Statute, the reasons for which a specific limitation applies to a particular action can often be traced back to 17th Century legislation. For example, the current 6 year limitation period for contract cases was first set out in the *Limitation Act 1623*. While a 6 year time limit may have made sense in an era of slow communications, this cannot be justified in a time of virtually instantaneous communication.

barred after 15 years). (4) There should be a judicial discretion to extend the 15 year time limit in exceptional cases. These would include: (a) where an injury was symptomless for a very long time (for example, arising from exposure to asbestos fibres); (b) ability to decide whether to sue was impaired (for example, due to sexual or physical abuse); and (c) where there was fraud or concealment by the defendant (for example, in a case involving financial loss). The Report contains a draft *Limitations Bill* to implement these recommendations.