



Number 18 of 1991

STATUTE OF LIMITATIONS (AMENDMENT) ACT 1991

REVISED

Updated to 1 October 2012

This revised Act is an administrative consolidation of the *Statute of Limitations (Amendment) Act 1991*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975 (3/1975)* to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Public Service Pensions (Single Scheme and Other Provisions) Act 2012 (37/2012)*, enacted 28 July 2012, and all statutory instruments up to and including *Nurses and Midwives Act 2011 (Commencement) (No. 2) Order 2012 (S.I. No. 385 of 2012)*, made 1 October 2012, were considered in the preparation of this revision.

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Introduction

This revision presents the text of the Act as it has been amended since enactment, and preserves the format in which it was first passed.

Related legislation

Statutes of Limitations: this Act is one of a group of Acts included in this collective citation, to be construed together as one [*Statute of Limitations (Amendment) Act 2000*, s. 1(2)]. The Acts in the group are:

- *Statute of Limitations 1957* (6/1957)
- *Statute of Limitations (Amendment) Act 1991* (18/1991)
- *Statute of Limitations (Amendment) Act 2000* (13/2000)

Annotations

This revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 2000, may be found in the Legislation Directory at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Civil Law (Miscellaneous Provisions) Act 2011* (23/2011)
- *Civil Liability and Courts Act 2004* (31/2004)
- *Personal Injuries Assessment Board Act 2003* (46/2003)
- *Residential Institutions Redress Act 2002* (13/2002)
- *Domestic Violence Act 1996* (1/1996)
- *Liability for Defective Products Act 1991* (28/1991)

All Acts up to and including *Public Service Pensions (Single Scheme and Other Provisions) Act 2012* (37/2012), enacted 28 July 2012, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *European Communities (Mediation) Regulations 2011* (S.I. No. 209 of 2011)
- *European Communities (Environmental Liability) Regulations 2008* (S.I. No. 547 of 2008)
- *European Communities (European Order for Payment) Regulations 2008* (S.I. No. 525 of 2008)

All statutory instruments up to and including *Nurses and Midwives Act 2011 (Commencement) (No. 2) Order 2012* (S.I. No. 385 of 2012), made 1 October 2012, were considered in the preparation of this revision.



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ARRANGEMENT OF SECTIONS

Section

1. Definition.
2. Date of knowledge for the purposes of this Act.
3. Special time limit for actions in respect of personal injuries.
4. Survival of causes of action to which *section 3* applies.
5. Extension of limitation period in case of disability.
- 5A.
6. Period of limitation in cases of fatal injuries.
7. Application of Act.
8. Short title, construction and collective citation.

ACTS REFERRED TO

Civil Liability Act, 1961	1961, No. 41
Control of Dogs Act, 1986	1986, No. 32
Sale of Goods and Supply of Services Act, 1980	1980, No. 16
Statute of Limitations, 1957	1957, No. 6



Number 18 of 1991

**STATUTE OF LIMITATIONS (AMENDMENT)
ACT 1991**

REVISED

Updated to 1 October 2012

AN ACT TO AMEND AND EXTEND THE STATUTE OF LIMITATIONS, 1957, BY MAKING NEW PROVISIONS AS REGARDS THE DATE FROM WHICH THE PERIOD OF LIMITATION IS TO RUN IN RESPECT OF ACTIONS FOR CERTAIN PERSONAL INJURIES, AND TO AMEND RELATED PROVISIONS IN OTHER STATUTES, AND TO PROVIDE FOR OTHER MATTERS CONNECTED THEREWITH. [10th July, 1991]

BE IT ENACTED BY THE OIREACTHAS AS FOLLOWS:

Annotations

Modifications (not altering text):

- C1** Application of Act restricted (1.06.2004) by *Personal Injuries Assessment Board Act 2003* (46/2003), ss. 12 and 50, S.I. No. 252 of 2004, as substituted (2.08.2011) by *Civil Law (Miscellaneous Provisions) Act 2011* (23/2011), s. 56(1)(c) and (d), commenced on enactment.

[Bar on bringing proceedings unless certain conditions are satisfied.

12.— ...

(5) The issuing of a notice of motion or the moving of a motion for the purposes of an application referred to in subsection (4) shall not be regarded as the commencement of proceedings in respect of the relevant claim for the purposes of any applicable limitation period in relation to such claim (including any limitation period under the Statute of Limitations 1957, section 9(2) of the Civil Liability Act 1961, the Statute of Limitations (Amendment) Act 1991 and an international agreement or convention by which the State is bound).]

...

[Reckoning of time for purpose of Statute of Limitations, etc.

50.— In reckoning any period of time for the purpose of any applicable limitation period in relation to a relevant claim (including any limitation period under the Statute of Limitations 1957, section 9(2) of the Civil Liability Act 1961, the Statute of Limitations (Amendment) Act 1991 and an international agreement or convention by which the State is bound), the period beginning on the making of an application under section 11 in relation to the claim and ending 6 months from the date of issue of an authorisation under, as appropriate, section 14, 17, 32, or 36, rules under section 46(3) or section 49 shall be disregarded.]

- C2** Application of Act restricted (18.05.2011) by *European Communities (Mediation) Regulations 2011* (S.I. No. 209 of 2011), reg. 6(1), in effect as per reg. 1(2).

Effect of mediation on limitation and prescription periods

6. (1) In reckoning any period of time for the purposes of any limitation period specified by the Statute of Limitations 1957 (No. 6 of 1957) or the Statute of Limitations (Amendment) Act 1991 (No. 18 of 1991), the period beginning on the day on which the relevant dispute is referred to mediation and ending on the day which is 30 days after the mediation process is concluded shall be disregarded.

(2) A mediator shall inform the parties in writing of the date on which a mediation concludes.

- C3** Application of collectively cited *Statutes of Limitations* restricted (1.04.2009) by *European Communities (Environmental Liability) Regulations 2008* (S.I. No. 547 of 2008), reg. 19.

Limitation of actions

19. Notwithstanding any provisions of the Statutes of Limitations, an action by the Agency under these Regulations against an operator for recovery of costs, shall not be brought after the expiration of 5 years from the date on which the preventive or remedial measures required pursuant to these Regulations have been completed or the date (if later) on which the Agency became aware of the identity of the operator as appropriate.

- C4** Application of Act restricted (12.12.2008) by *European Communities (European Order for Payment) Regulations 2008* (S.I. No. 525 of 2008), reg. 8(2), in effect as per reg. 1(2).

Application for European order for payment not to prejudice position of claimant

8. ...

(2) Without prejudice to paragraph (1), in reckoning any period of time for the purposes of any limitation period specified by the Statute of Limitations 1957 or the Statute of Limitations (Amendment) Act 1991, the period beginning on the day of the receipt by the High Court of an application for a European order for payment and ending on the day which is 30 days after—

(a) in a case where the claimant has requested that the European order for payment proceedings be terminated in the event of a statement of opposition being lodged, the day on which a notice is issued by the High Court informing the claimant that the European order for payment proceedings have been terminated,

(b) in a case where the claimant has accepted the proposal of the High Court that the application for a European order for payment should proceed only as respects that part of the claim specified by the High Court, as respects the remaining part of the claim, the day on which the claimant accepts the proposal of the Court,

(c) in the case of a claim which is rejected by the Court pursuant to Article 11(1) the day on which a notice is issued by the High Court informing the claimant that the application for a European order for payment has been rejected,

shall be disregarded.

...

- C5** Application of collectively cited *Statutes of Limitations* restricted (10.04.2002) by *Residential Institutions Redress Act 2002* (13/2002), s. 13(10), commenced on enactment.

Award of Board.

13.— ...

(10) Where an applicant does not accept an award within the time and in the manner provided for in this section and proceeds with any right of action that he or she may have arising out of the same, or substantially the same, acts complained of in an application, the Minister, a public body or any other person, will not in such proceedings to which it is a party rely for the purposes of the Statutes of Limitations, on the period between—

(a) the date of the application to the Board by that applicant, and

(b) the date on which the applicant—

(i) abandoned his or her application,

- (ii) was adjudged not entitled to an award under this Act,
- (iii) rejected an award in accordance with subsection (4)(a) or subsection (5), or
- (iv) rejected a decision of the Review Committee in accordance with section 15 (7) or section 15 (8),

whichever of such dates is the later, in bar of any right of recovery under such proceedings.

- C6** Act included in collective citation and construction (21.06.2000) by *Statute of Limitations (Amendment) Act 2000* (13/2000), s. 1(2), commenced on enactment.

Short title, construction and collective citation.

1.— ...

(2) The Statutes of Limitation, 1957 and 1991, and this Act may be cited as the Statutes of Limitations and shall be construed together as one Act.

Acts included or previously included in the collective citation and construction:

- *Statute of Limitations (Amendment) Act 2000* (13/2000) (21.06.2000) by s. 1(2), commenced on enactment.
- *Statute of Limitations (Amendment) Act 1991* (18/1991) (10.07.1991) by s. 8(2), commenced on enactment.
- *Statute of Limitations 1957* (6/1957) (10.07.1991) by *Statute of Limitations (Amendment) Act 1991* (18/1991), s. 8(2), commenced on enactment.

- C7** Act adapted and applied (28.03.1996) by *Domestic Violence Act 1996* (1/1996), s. 22, commenced as per s. 25.

Saving provisions.

22.—(1) Where, by reason only of an interim barring order or a barring order, a person is not residing at a place during any period, that person shall be deemed, for the purposes of any rights under the Statutes of Limitation, 1957 and 1991, the Landlord and Tenant Acts, 1967 to 1994, and the Housing (Private Rented Dwellings) Acts, 1982 and 1983, to be residing at that place during that period.

...

- C8** Application of Act restricted (16.12.1991) by *Liability for Defective Products Act 1991* (28/1991), s. 7, S.I. No. 316 of 1991.

Limitation of actions.

7.—(1) An action for the recovery of damages under this Act shall not be brought after the expiration of three years from the date on which the cause of action accrued or the date (if later) on which the plaintiff became aware, or should reasonably have become aware, of the damage, the defect and the identity of the producer.

...

(4) The Statutes of Limitation, 1957 and 1991, shall apply to an action under this Act subject to the provisions of this section.

(5) For the purposes of *subsection (4)*—

- (a) *subsection (1)* of this section shall be deemed to be a provision of the *Statute of Limitations (Amendment) Act, 1991*, of the kind referred to in section 2 (1) of that Act,
- (b) “injury” where it occurs in that Act except in section 2 (1) (b) thereof includes damage to property, and “person injured” and, “injured” shall be construed accordingly, and
- (c) the reference in *subsection (1)* of this section to the date when the plaintiff became aware, or should reasonably have become aware, of the damage, the defect and the identity of the producer shall be construed in accordance with section 2 of that Act, but nothing in this paragraph shall prejudice the application of *section 1 (3)* of this Act.

Definition. 1.—In this Act “the Principal Act” means the Statute of Limitations, 1957.

Date of knowledge for the purposes of this Act. 2.—(1) For the purposes of any provision of this Act whereby the time within which an action in respect of an injury may be brought depends on a person's date of knowledge (whether he is the person injured or a personal representative or dependant of the person injured) references to that person's date of knowledge are references to the date on which he first had knowledge of the following facts:

- (a) that the person alleged to have been injured had been injured,
- (b) that the injury in question was significant,
- (c) that the injury was attributable in whole or in part to the act or omission which is alleged to constitute negligence, nuisance or breach of duty,
- (d) the identity of the defendant, and
- (e) if it is alleged that the act or omission was that of a person other than the defendant, the identity of that person and the additional facts supporting the bringing of an action against the defendant;

and knowledge that any acts or omissions did or did not, as a matter of law, involve negligence, nuisance or breach of duty is irrelevant.

(2) For the purposes of this section, a person's knowledge includes knowledge which he might reasonably have been expected to acquire—

- (a) from facts observable or ascertainable by him, or
- (b) from facts ascertainable by him with the help of medical or other appropriate expert advice which it is reasonable for him to seek.

(3) Notwithstanding *subsection (2)* of this section—

- (a) a person shall not be fixed under this section with knowledge of a fact ascertainable only with the help of expert advice so long as he has taken all reasonable steps to obtain (and, where appropriate, to act on) that advice; and
- (b) a person injured shall not be fixed under this section with knowledge of a fact relevant to the injury which he has failed to acquire as a result of that injury.

Special time limit for actions in respect of personal injuries. 3.—(1) An action, other than one to which *section 6* of this Act applies, claiming damages in respect of personal injuries to a person caused by negligence, nuisance or breach of duty (whether the duty exists by virtue of a contract or of a provision made by or under a statute or independently of any contract or any such provision) shall not be brought after the expiration of F1[2 years] from the date on which the cause of action accrued or the date of knowledge (if later) of the person injured.

(2) Section 11 (2) of the Principal Act is hereby amended by the substitution of the following paragraph for paragraphs (a) and (b):

“(a) Subject to paragraph (c) of this subsection and to section 3 (1) of the Statute of Limitations (Amendment) Act, 1991, an action founded on tort shall not be brought after the expiration of six years from the date on which the cause of action accrued.”.

(3) Notwithstanding section 11 (2) (d) (inserted by section 13 (8) of the Sale of Goods and Supply of Services Act, 1980) of the Principal Act, an action for damages under section 13 (7) of the said Act of 1980 which consist of or include damages in respect of personal injuries to any person may be brought within two years of the

date of knowledge of the person injured if that date is later than the date on which the cause of action accrued.

(4) The reference in section 21 (4) (b) of the Control of Dogs Act, 1986, to section 11 (2) (b) of the Principal Act shall be construed as a reference to *subsection (1)* of this section.

Annotations

Amendments:

- F1** Substituted (31.03.2005) by *Civil Liability and Courts Act 2004* (31/2004), s. 7(a), S.I. No. 544 of 2004, subject to transitional provisions in s. 6.

Survival of causes of action to which *section 3* applies.

4.—(1) If an injured person to whom *section 3* of this Act applies dies before the expiration of the period specified in that section, any action that may be brought for the benefit of his estate in respect of a cause of action to which that section applies by virtue of section 7 of the Civil Liability Act, 1961, may be brought at any time before the expiration of F2[2 years] from—

(a) the date of death, or

(b) the date of the personal representative's knowledge,

whichever is the later.

(2) For the purposes of this section—

(a) “personal representative” includes any person who is or has been a personal representative of the deceased, including an executor who has not proved the will (whether or not he has renounced probate), and

(b) where a person acquires knowledge of the injury before his appointment as personal representative of the deceased, the date of knowledge of that person shall be taken to be the date of his appointment as personal representative.

(3) If there is more than one personal representative and their dates of knowledge are different, *subsection (1) (b)* of this section shall be construed as referring to the earliest of those dates.

Annotations

Amendments:

- F2** Substituted (31.03.2005) by *Civil Liability and Courts Act 2004* (31/2004), s. 7(b), S.I. No. 544 of 2004, subject to transitional provisions in s. 6.

Extension of limitation period in case of disability.

5.—(1) Notwithstanding anything in section 49 (1) (a) of the Principal Act, if, in the case of—

(a) an action of the kind to which *section 3* of this Act applies, or

(b) an action under section 48 (1) of the Civil Liability Act, 1961 (being an action where death is caused by wrongful act, neglect or default),

the person having the right to bring the action was under a disability either at the time when that right accrued to him or at the date of his knowledge, the action may be brought at any time before the expiration of F3[2 years] from the date when he

ceased to be under a disability or died, whichever event first occurred, notwithstanding that the period specified in the said *section 3* has expired, but section 49 (1) (c) of the Principal Act shall apply accordingly.

(2) *Subsection (1)* of this section shall not affect any case where the right of action first accrued to some person (not under a disability) through whom the person under a disability claims.

(3) Notwithstanding section 49 (5) of the Principal Act (inserted by section 13 (8) of the Sale of Goods and Supply of Services Act, 1980), in the case of an action under section 13 (7) of the said Act of 1980, of the kind to which *section 3* of this Act applies, *subsections (1)* and *(2)* of this section shall have effect as if for the words “three years” there were substituted the words “two years”.

(4) Section 49 (2) of the Principal Act is hereby repealed.

Annotations

Amendments:

- F3** Substituted (31.03.2005) by *Civil Liability and Courts Act 2004* (31/2004), s. 7(c), S.I. No. 544 of 2004, subject to transitional provisions in s. 6.

F4**[5A.—(1)** Where the relevant date in respect of a cause of action falls before the commencement of *section 7* of the *Civil Liability and Courts Act 2004*, an action (being an action to which *section 3(1)*, *4(1)*, *5(1)* or *6(1)* of this Act applies) in respect of that cause of action shall not be brought after the expiration of—

(a) 2 years from the said commencement, or

(b) 3 years from the relevant date,

whichever occurs first.

(2) In this section ‘relevant date’ means the date of accrual of the cause of action or the date of knowledge of the person concerned as respects that cause of action whichever occurs later.]

Annotations

Amendments:

- F4** Inserted (31.03.2005) by *Civil Liability and Courts Act 2004* (31/2004), s. 7(d), S.I. No. 544 of 2004, subject to transitional provisions in s. 6.

Period of limitation in cases of fatal injuries.

6.—(1) An action under section 48 (1) of the Civil Liability Act, 1961, shall not be brought after the expiration of **F5**[2 years] from—

(a) the date of death, or

(b) the date of knowledge of the person for whose benefit the action is brought,

whichever is the later.

(2) Where there is more than one person for whose benefit an action under section 48 (1) of the Civil Liability Act, 1961, is brought, *subsection (1) (b)* of this section shall be applied separately to each of them.

(3) If, by virtue of *subsection (2)* of this section, the action would be outside the time limit applicable by virtue of *subsection (1)* of this section as regards one or more, but not all, of the persons for whose benefit it is brought, the court shall direct that any person as regards whom the action would be outside that limit shall be excluded from those for whom the action is brought.

(4) The court shall not give such a direction if it is shown that if the action were brought exclusively for the benefit of the person in question it would not be defeated by a defence of limitation, whether in consequence of *section 5* of this Act or of an agreement between the parties not to raise the defence or otherwise.

(5) Section 48 (6) of the Civil Liability Act, 1961, is hereby repealed.

Annotations

Amendments:

- F5** Substituted (31.03.2005) by *Civil Liability and Courts Act 2004* (31/2004), s. 7(e), S.I. No. 544 of 2004, subject to transitional provisions in s. 6.

Application of Act.

7.—This Act shall apply to all causes of action whether accruing before or after its passing and to proceedings pending at its passing.

Short title, construction and collective citation.

8.—(1) This Act may be cited as the Statute of Limitations (Amendment) Act, 1991.

(2) The Principal Act and this Act shall be construed as one, and may be cited together as the Statutes of Limitation, 1957 and 1991.

Annotations

Editorial Notes:

- E1** The collective citation, "Statutes of Limitation", departs from the titles of the 1957 Act and this Act which use the plural "Limitations". The plural is used for the collective citation in the later *Statute of Limitations (Amendment) Act 2000* (13/2000), s. 1(2).