

Limitation of Actions

In 2011, the Commission published a [Report on Limitation of Actions \(Statute of Limitations\) \(LRC 104-2011\)](#) (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 claim 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.

The Commission's report makes 26 recommendations for reform of the law and also includes a draft Limitations Bill 2011 to implement them. The Commission's key recommendation is that a core limitations law should be introduced to Ireland for the high volume of civil claims. Some of the detailed recommendations in the Report are that:

- There should be a basic limitation period of 2 years for contract claims and tort claims.
- The basic limitation period should run from the date of knowledge of the plaintiff (what the plaintiff knew or ought reasonably to have known)
- There should be a ultimate limitation period ("long stop") of 15 years (most claims would, therefore, be statute-barred after 15 years)
- 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; (b) where the person's ability to decide whether to sue was impaired; and (c) where there was fraud or concealment by the defendant.