
STATUTORY INSTRUMENTS

1989 No. 1339

The Limitation (Northern Ireland) Order 1989

PART IV

EXTENSION AND EXCLUSION OF TIME LIMITS

Acknowledgment

Fresh accrual of acknowledged right: actions to recover land

52.—(1) Where—

- (a) there has accrued to any person (other than a mortgagee) any right of action to recover land; and
- (b) the person in possession of the land acknowledges the title of the person to whom the right of action has accrued,

the right of action is to be treated as having accrued on and not before the date of the acknowledgment.

(2) Paragraph (1) applies to a right of action accrued to a person entitled to an estate or interest taking effect on the determination of an estate tail against whom time is running under Article 23, and on the making of the acknowledgment that Article ceases to apply to the land.

Fresh accrual of acknowledged right: action by mortgagee to recover land

53. Where—

- (a) the right of a mortgagee of land to bring an action to recover the land has accrued; and
- (b) either—
 - (i) the person in possession of the land acknowledges the mortgagee's title to the land; or
 - (ii) the person in possession of the land or the person liable for the mortgage debt acknowledges the debt,

the right of action is to be treated as having accrued on and not before the date of the acknowledgment.

Fresh accrual of acknowledged right: action by incumbrancer claiming sale of land

54. Where—

- (a) the right of an incumbrancer of land to bring an action claiming sale of the land has accrued; and
- (b) the person in possession of the land or the person liable for the debt secured by the incumbrance acknowledges the debt,

Status: Point in time view as at 01/01/2006.

Changes to legislation: There are currently no known outstanding effects for the The Limitation (Northern Ireland) Order 1989, Cross Heading: Acknowledgment. (See end of Document for details)

the right of action is to be treated as having accrued on and not before the date of the acknowledgment.

Effect of acknowledgment: action to redeem mortgaged land in mortgagee's possession

55. Where—

- (a) a mortgagee is by virtue of the mortgage in possession of any mortgaged land; and
- (b) the mortgagee acknowledges the title of the mortgagor or his equity of redemption,

an action to redeem the land in the mortgagee's possession may be brought at any time before the expiration of twelve years from the date of the acknowledgment.

Fresh accrual of acknowledged right: action in respect of personal right of support etc. in or over land

56. Where—

- (a) there has accrued a right of action in respect of a right in the nature of a lien for money's worth in or over land for a limited period not exceeding life, such as a right of support or a right of residence, not being an exclusive right of residence in or on a specified part of the land; and
- (b) the person in possession of the land acknowledges the right secondly mentioned in sub# paragraph (a),

the right of action is to be treated as having accrued on and not before the date of the acknowledgment.

Fresh accrual of acknowledged right: action to recover debt

57.—(1) Where—

- (a) any right of action has accrued to recover any debt; and
- (b) the person liable therefor acknowledges the debt,

the right of action is to be treated as having accrued on and not before the date of the acknowledgment.

(2) Where—

- (a) the right of action of a mortgagee of land to recover the mortgage debt has accrued; and
- (b) the person in possession of the land acknowledges the mortgagee's title to the land,

the right of action is to be treated as having accrued on and not before the date of the acknowledgment.

Fresh accrual of acknowledged right: action claiming personal estate of deceased person

58. Where—

- (a) any right of action has accrued to recover any claim to the personal estate of a deceased person or to any share or interest therein; and
- (b) the person accountable therefor acknowledges the claim,

the right of action is to be treated as having accrued on and not before the date of the acknowledgment.

Acknowledgments: formalities

59.—(1) Every acknowledgment must be in writing and signed by the person making the acknowledgment.

(2) An acknowledgment under Articles 52 to 58—

- (a) may be made by the agent of the person by whom it is required to be made under whichever of those Articles is applicable; and
- (b) must be made to the person or the agent of the person whose title, right, equity of redemption or claim (as the case may be) is being acknowledged.

(3) A current limitation period may be repeatedly extended under Articles 52 to 58 by further acknowledgments.

(4) A right of action, once barred by this Order, is not revived by any subsequent acknowledgment.

Acknowledgment: effect on persons other than maker or recipient

60.—(1) An acknowledgment of title to any land by any person in possession thereof binds all other persons in possession during the ensuing limitation period.

(2) Where—

- (a) two or more mortgagees of land are by virtue of the mortgage in possession of the land; and
- (b) one only of the mortgagees (in this Article referred to as “the acknowledgor”) gives an acknowledgment of the mortgagor's title or of his equity of redemption,

the following provisions have effect—

- (i) the acknowledgment binds only the acknowledgor and his successors and does not bind any other mortgagee or his successors;
- (ii) if the acknowledgor is entitled to a part of the mortgaged land and not to any ascertained part of the mortgage debt, the mortgagor is entitled to redeem that part of the land on payment, with interest, of the part of the mortgage debt which bears the same proportion to the whole of the debt as the value of that part of the land bears to the value of the whole of the mortgaged land.

(3) Where—

- (a) there are two or more mortgagors of land, and
- (b) the title or equity of redemption of one of the mortgagors is acknowledged,

the acknowledgment is to be treated as having been made to all the mortgagors.

(4) An acknowledgment of a debt binds the acknowledgor and his successors, but not any other person.

(5) An acknowledgment by one of several personal representatives of any claim to the personal estate of a deceased person or to any share or interest therein binds the estate of the deceased person.

Exemption of acknowledgment from stamp duty

61. No acknowledgment is to be treated as an agreement within the meaning of the Stamp Act 1891^{F1}.

F1 1891 c. 39

Status:

Point in time view as at 01/01/2006.

Changes to legislation:

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