



# Limitation Act 1980

## 1980 CHAPTER 58

### PART I

#### ORDINARY TIME LIMITS FOR DIFFERENT CLASSES OF ACTION

##### *Miscellaneous and supplemental*

#### **24 Time limit for actions to enforce judgments.**

- (1) An action shall not be brought upon any judgment after the expiration of six years from the date on which the judgment became enforceable.
- (2) No arrears of interest in respect of any judgment debt shall be recovered after the expiration of six years from the date on which the interest became due.

#### **<sup>F1</sup>25 Time limit for actions to enforce advowsons and extinction of title to advowsons.**

- (1) No person shall bring an action to enforce a right to present to or bestow any ecclesiastical benefice as patron of that benefice after the expiration of whichever of the following periods last expires, that is to say—
  - (a) a period during which three clerks in succession have held the benefice adversely to the right of presentation or gift of the person in question (or of some person through whom he claims); or
  - (b) a period of sixty years during which the benefice has been held adversely to that right;

and in no case after the expiration of a period of one hundred years during which the benefice has been held adversely to that right or to the right of some person entitled to a preceding estate or interest or an undivided share or alternate right of presentation or gift held or derived under the same title.

This subsection shall apply to the Crown or a bishop claiming a right to present to or bestow any ecclesiastical benefice as patron, but shall not affect the right of the Crown or a bishop to present or collate to any ecclesiastical benefice by reason of a lapse.

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- (2) Where any benefice becomes void after being held adversely to the right of presentation or gift of the patron of the benefice and a clerk is presented or collated to the benefice by Her Majesty or the ordinary—
- (a) the possession of that clerk shall be treated as adverse; but
  - (b) where the benefice is avoided in consequence of the incumbent being made a bishop, the incumbency of the new clerk shall, for the purpose of subsection (1)(a) above, be treated as a continuation of the prior incumbency.
- (3) Subject to section 75 of the <sup>M1</sup>Land Registration Act 1925, at the expiration of the period prescribed by this Act for any person to bring an action to enforce an advowson the title of that person to the advowson shall be extinguished. <sup>F1</sup>

#### Textual Amendments

**F1** S. 25 repealed (provinces of Canterbury and York) (1.1.1989) by [Patronage \(Benefices\) Measure 1986](#) (No. 3, SIF 21:4), **ss. 1(2), 4(3), 42(2)**

#### Marginal Citations

**M1** 1925 c. 21(98:2)

## 26 Administration to date back to death.

For the purposes of the provisions of this Act relating to actions for the recovery of land and advowsons an administrator of the estate of a deceased person shall be treated as claiming as if there had been no interval of time between the death of the deceased person and the grant of the letters of administration.

## 27 Cure of defective disentailing assurance.

- (1) This section applies where—
- (a) a person entitled in remainder to an entailed interest in any land makes an assurance of his interest which fails to bar the issue in tail or the estates and interests taking effect on the determination of the entailed interest, or fails to bar those estates and interests only; and
  - (b) any person takes possession of the land by virtue of the assurance.
- (2) If the person taking possession of the land by virtue of the assurance, or any other person whatsoever (other than a person entitled to possession by virtue of the settlement) is in possession of the land for a period of twelve years from the commencement of the time when the assurance could have operated as an effective bar, the assurance shall thereupon operate, and be treated as having always operated, to bar the issue in tail and the estates and interests taking effect on the determination of the entailed interest.
- (3) The reference in subsection (2) above to the time when the assurance could have operated as an effective bar is a reference to the time at which the assurance, if it had then been executed by the person entitled to the entailed interest, would have operated, without the consent of any other person, to bar the issue in tail and the estates and interests taking effect on the determination of the entailed interest.

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## **[<sup>F2</sup>27A Actions for recovery of property obtained through unlawful conduct etc.**

- (1) None of the time limits given in the preceding provisions of this Act applies to any proceedings under Chapter 2 of Part 5 of the Proceeds of Crime Act 2002 (civil recovery of proceeds of unlawful conduct).
- (2) Proceedings under that Chapter for a recovery order in respect of any recoverable property shall not be brought after the expiration of the period of twelve years from the date on which the [<sup>F3</sup>relevant person's] cause of action accrued.
- (3) Proceedings under that Chapter are brought when—
  - (a) a claim form is issued, or
  - [ an application is made for a property freezing order, or]
  - <sup>F4</sup>(aa) (b) an application is made for an interim receiving order,whichever is the [<sup>F5</sup>earliest].
- (4) The [<sup>F6</sup>relevant person's] cause of action accrues in respect of any recoverable property—
  - (a) in the case of proceedings for a recovery order in respect of property obtained through unlawful conduct, when the property is so obtained,
  - (b) in the case of proceedings for a recovery order in respect of any other recoverable property, when the property obtained through unlawful conduct which it represents is so obtained.
- (5) If—
  - (a) a person would (but for the preceding provisions of this Act) have a cause of action in respect of the conversion of a chattel, and
  - (b) proceedings are started under that Chapter for a recovery order in respect of the chattel,section 3(2) of this Act does not prevent his asserting on an application under section 281 of that Act that the property belongs to him, or the court making a declaration in his favour under that section.
- (6) If the court makes such a declaration, his title to the chattel is to be treated as not having been extinguished by section 3(2) of this Act.
- (7) Expressions used in this section and Part 5 of that Act have the same meaning in this section as in that Part.

- [ In this section “relevant person” means—
- <sup>F7</sup>(8) (a) the Serious Organised Crime Agency,
  - (b) the Director of Public Prosecutions,
  - (c) the Director of Revenue and Customs Prosecutions, or
  - (d) the Director of the Serious Fraud Office.]]

### **Textual Amendments**

- F2** S. 27A inserted (24.2.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. **288(1)**, 458(1); S.I. 2003/120, **art. 2(1)**, **Sch.** (subject to arts. 3-7) (as amended by S.I. 2003/333, art. 14)
- F3** Words in s. 27A(2) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 74(2), 94, **Sch. 8 para. 147(2)**; S.I. 2008/755, **art. 2(1)(a)** (subject to arts. 3-14)

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- F4** S. 27A(3)(aa) inserted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 109, 178, [Sch. 6 para. 2\(a\)](#); [S.I. 2005/3136](#), [art. 3](#)
- F5** Word in s. 27A(3) substituted (1.1.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 109, 178, [Sch. 6 para. 2\(b\)](#); [S.I. 2005/3136](#), [art. 3](#)
- F6** Words in s. 27A(4) substituted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 74(2), 94, [Sch. 8 para. 147\(3\)](#); [S.I. 2008/755](#), [art. 2\(1\)\(a\)](#) (subject to arts. 3-14)
- F7** S. 27A(8) inserted (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 74(2), 94, [Sch. 8 para. 147\(4\)](#); [S.I. 2008/755](#), [art. 2\(1\)\(a\)](#) (subject to arts. 3-14)

## **[<sup>F8</sup>27B] Actions for recovery of property for purposes of an external order**

- (1) None of the time limits given in the preceding provisions of this Act applies to any proceedings under Chapter 2 of Part 5 of the Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005 (civil proceedings for the realisation of property to give effect to an external order).
- (2) Proceedings under that Chapter for a recovery order in respect of any recoverable property shall not be brought after the expiration of the period of twelve years from the date on which the [<sup>F9</sup>relevant person's] cause of action accrued.
- (3) Proceedings under that Chapter are brought when—
  - (a) a claim form is issued, or
  - (b) an application is made for a property freezing order, or
  - (c) an application is made for an interim receiving order,
 whichever is earliest.
- (4) The [<sup>F9</sup>relevant person's] cause of action accrues in respect of any recoverable property—
  - (a) in the case of proceedings for a recovery order in respect of property obtained, or believed to have been obtained, as a result of or in connection with criminal conduct, when the property is so obtained,
  - (b) in the case of proceedings for a recovery order in respect of any other recoverable property, when the property obtained, or believed to have been obtained, as a result of or in connection with criminal conduct which it represents is so obtained.
- (5) If—
  - (a) a person would (but for the preceding provisions of this Act) have a cause of action in respect of the conversion of a chattel, and
  - (b) proceedings are started under that Chapter for a recovery order in respect of the chattel,
  - (c) section 3(2) of this Act does not prevent his asserting on an application under article 192 of that Order that the property belongs to him, or the court making a declaration in his favour under that article.
- (6) If the court makes such a declaration, his title to the chattel is to be treated as not having been extinguished by section 3(2) of this Act.
- (7) In this section—
  - (a) “criminal conduct” is to be construed in accordance with section 447(8) of the Proceeds of Crime Act 2002, and

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- (b) expressions used in this section which are also used in Part 5 of the Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005 have the same meaning in this section as in that Part.

[ In this section “relevant person” means—

- <sup>F10</sup>(8) (a) the Serious Organised Crime Agency,  
(b) the Director of Public Prosecutions,  
(c) the Director of Revenue and Customs Prosecutions, or  
(d) the Director of the Serious Fraud Office.]]

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**Textual Amendments**

- F8** S. 27B inserted (1.1.2006) by [The Proceeds of Crime Act 2002 \(External Requests and Orders\) Order 2005 \(S.I. 2005/3181\)](#), [art. 201\(1\)](#)
- F9** Words in s. 27B(2)(4) substituted (1.4.2008) by [The Proceeds of Crime Act 2002 \(External Requests and Orders\) \(Amendment\) Order 2008 \(S.I. 2008/302\)](#), art. 1(1), [4\(2\)](#)
- F10** S. 27(B)(8) inserted (1.4.2008) by [The Proceeds of Crime Act 2002 \(External Requests and Orders\) \(Amendment\) Order 2008 \(S.I. 2008/302\)](#), arts. 1(1), [4\(3\)](#)

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