

Status: Point in time view as at 09/03/2017.

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SCHEDULES

SCHEDULE 1

Section 15(6) (7).

PROVISIONS WITH RESPECT TO ACTIONS TO RECOVER LAND

PART I

ACCUAL OF RIGHTS OF ACTION TO RECOVER LAND

Accrual of right of action in case of present interests in land

- 1 Where the person bringing an action to recover land, or some person through whom he claims, has been in possession of the land, and has while entitled to the land been dispossessed or discontinued his possession, the right of action shall be treated as having accrued on the date of the dispossession or discontinuance.
- 2 Where any person brings an action to recover any land of a deceased person (whether under a will or on intestacy) and the deceased person—
 - (a) was on the date of his death in possession of the land or, in the case of a rentcharge created by will or taking effect upon his death, in possession of the land charged; and
 - (b) was the last person entitled to the land to be in possession of it;the right of action shall be treated as having accrued on the date of his death.
- 3 Where any person brings an action to recover land, being an estate or interest in possession assured otherwise than by will to him, or to some person through whom he claims, and—
 - (a) the person making the assurance was on the date when the assurance took effect in possession of the land or, in the case of a rentcharge created by the assurance, in possession of the land charged; and
 - (b) no person has been in possession of the land by virtue of the assurance;the right of action shall be treated as having accrued on the date when the assurance took effect.

Accrual of right of action in case of future interests

- 4 The right of action to recover any land shall, in a case where—
 - (a) the estate or interest claimed was an estate or interest in reversion or remainder or any other future estate or interest; and
 - (b) no person has taken possession of the land by virtue of the estate or interest claimed;be treated as having accrued on the date on which the estate or interest fell into possession by the determination of the preceding estate or interest.
- 5 (1) Subject to sub-paragraph (2) below, a tenancy from year to year or other period, without a lease in writing, shall for the purposes of this Act be treated as being

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determined at the expiration of the first year or other period; and accordingly the right of action of the person entitled to the land subject to the tenancy shall be treated as having accrued at the date on which in accordance with this sub-paragraph the tenancy is determined.

- (2) Where any rent has subsequently been received in respect of the tenancy, the right of action shall be treated as having accrued on the date of the last receipt of rent.
- 6 (1) Where—
- (a) any person is in possession of land by virtue of a lease in writing by which a rent of not less than ten pounds a year is reserved; and
 - (b) the rent is received by some person wrongfully claiming to be entitled to the land in reversion immediately expectant on the determination of the lease; and
 - (c) no rent is subsequently received by the person rightfully so entitled;
- the right of action to recover the land of the person rightfully so entitled shall be treated as having accrued on the date when the rent was first received by the person wrongfully claiming to be so entitled and not on the date of the determination of the lease.
- (2) Sub-paragraph (1) above shall not apply to any lease granted by the Crown.

Accrual of right of action in case of forfeiture or breach of condition

- 7 (1) Subject to sub-paragraph (2) below, a right of action to recover land by virtue of a forfeiture or breach of condition shall be treated as having accrued on the date on which the forfeiture was incurred or the condition broken.
- (2) If any such right has accrued to a person entitled to an estate or interest in reversion or remainder and the land was not recovered by virtue of that right, the right of action to recover the land shall not be treated as having accrued to that person until his estate or interest fell into possession, as if no such forfeiture or breach of condition had occurred.

Right of action not to accrue or continue unless there is adverse possession

- 8 (1) No right of action to recover land shall be treated as accruing unless the land is in the possession of some person in whose favour the period of limitation can run (referred to below in this paragraph as “adverse possession”); and where under the preceding provisions of this Schedule any such right of action is treated as accruing on a certain date and no person is in adverse possession on that date, the right of action shall not be treated as accruing unless and until adverse possession is taken of the land.
- (2) Where a right of action to recover land has accrued and after its accrual, before the right is barred, the land ceases to be in adverse possession, the right of action shall no longer be treated as having accrued and no fresh right of action shall be treated as accruing unless and until the land is again taken into adverse possession.
- (3) For the purposes of this paragraph—
- (a) possession of any land subject to a rentcharge by a person (other than the person entitled to the rentcharge) who does not pay the rent shall be treated as adverse possession of the rentcharge; and

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- (b) receipt of rent under a lease by a person wrongfully claiming to be entitled to the land in reversion immediately expectant on the determination of the lease shall be treated as adverse possession of the land.
- (4) For the purpose of determining whether a person occupying any land is in adverse possession of the land it shall not be assumed by implication of law that his occupation is by permission of the person entitled to the land merely by virtue of the fact that his occupation is not inconsistent with the latter's present or future enjoyment of the land.

This provision shall not be taken as prejudicing a finding to the effect that a person's occupation of any land is by implied permission of the person entitled to the land in any case where such a finding is justified on the actual facts of the case.

*Possession of beneficiary not adverse to others
interested in settled land or land held on trust for sale*

- 9 Where any settled land or any land [^{F1}subject to a trust of land] is in the possession of a person entitled to a beneficial interest in the land ^{F2}. . . (not being a person solely or absolutely entitled to the land ^{F2}. . .), no right of action to recover the land shall be treated for the purposes of this Act as accruing during that possession to any person in whom the land is vested as tenant for life, statutory owner or trustee, or to any other person entitled to a beneficial interest in the land ^{F2}. . .

Textual Amendments

- F1** Words in [Sch. 1 para. 9](#) substituted (1.1.1997) by [1996 c. 47, s. 25\(1\)](#), [Sch. 3 para. 18](#) (with ss. 24(2), 25(4)(5)); [S.I. 1996/2974, art. 2](#)
- F2** Words in [Sch. 1 para. 9](#) repealed (1.1.1997) by [1996 c. 47, s. 25\(1\)](#), [Sch. 4](#) (with ss. 24(2), 25(4)(5)); [S.I. 1996/2974, art. 2](#)

PART II

**MODIFICATION OF SECTION 15 WHERE CROWN
OR CERTAIN CORPORATIONS SOLE ARE INVOLVED**

- 10 Subject to paragraph 11 below, section 15(1) of this Act shall apply to the bringing of an action to recover any land by the Crown or by any spiritual or eleemosynary corporation sole with the substitution for the reference to twelve years of a reference to thirty years.
- 11 (1) An action to recover foreshore may be brought by the Crown at any time before the expiration of sixty years from the date mentioned in section 15(1) of this Act.
- (2) Where any right of action to recover land which has ceased to be foreshore but remains in the ownership of the Crown accrued when the land was foreshore, the action may be brought at any time before the expiration of—
- (a) sixty years from the date of accrual of the right of action; or
- (b) thirty years from the date when the land ceased to be foreshore;
- whichever period first expires.

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- (3) In this paragraph “foreshore” means the shore and bed of the sea and of any tidal water, below the line of the medium high tide between the spring tides and the neap tides.
- 12 Notwithstanding section 15(1) of this Act, where in the case of any action brought by a person other than the Crown or a spiritual or eleemosynary corporation sole the right of action first accrued to the Crown or any such corporation sole through whom the person in question claims, the action may be brought at any time before the expiration of—
- (a) the period during which the action could have been brought by the Crown or the corporation sole; or
 - (b) twelve years from the date on which the right of action accrued to some person other than the Crown or the corporation sole;
- whichever period first expires.
- 13 Section 15(2) of this Act shall apply in any case where the Crown or a spiritual or eleemosynary corporation sole is entitled to the succeeding estate or interest with the substitution—
- (a) for the reference to twelve years of a reference to thirty years; and
 - (b) for the reference to six years of a reference to twelve years.

SCHEDULE 2

Section 40(1).

TRANSITIONAL PROVISIONS

- 1 Nothing in this Act shall affect the operation of section 4 of the ^{M1}Limitation Act 1963, as it had effect immediately before 1 January 1979 (being the date on which the ^{M2}Civil Liability (Contribution) Act 1978 came in to force), in relation to any case where the damage in question occurred before that date.

Marginal Citations

- M1** 1963 c. 47
M2 1978 c. 47(122:3)

- 2 The amendment made by section 14(1) of the Limitation Act 1963 in section 5 of the ^{M3}Limitation (Enemies and War Prisoners) Act 1945 (which provides that section 5 shall have effect as if for the words “in force in Northern Ireland at the date of the passing of this Act” there were substituted the words “ for the time being in force in Northern Ireland ”) shall continue to have effect notwithstanding the repeal by this Act of section 14(1).

Marginal Citations

- M3** 1945 c. 16(79)

- 3 It is hereby declared that a decision taken at any time by a court to grant, or not to grant, leave under Part I of the Limitation Act 1963 (which, so far as it related to leave, was repealed by the ^{M4}Limitation Act 1975) does not affect the determination

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of any question in proceedings under any provision of this Act which corresponds to a provision of the Limitation Act 1975, but in such proceedings account may be taken of evidence admitted in proceedings under Part I of the Limitation Act 1963.

Marginal Citations

M4 1975 c. 54

- 4 (1) In section 33(6) of this Act the reference to section 1(1) of the ^{M5}Fatal Accidents Act 1976 shall be construed as including a reference to section 1 of the ^{M6}Fatal Accidents Act 1846.
- (2) Any other reference in that section, or in section 12 or 13 of this Act, to the ^{M7}Fatal Accidents Act 1976 shall be construed as including a reference to the ^{M8}Fatal Accidents Act 1846.

Marginal Citations

M5 1976 c. 30(112:3)

M6 1846 c. 93

M7 1976 c. 30(122:3)

M8 1846 c. 93

- 5 Notwithstanding anything in section 29(7) of this Act or in the repeals made by this Act, the ^{M9}Limitation Act 1939 shall continue to have effect in relation to any acknowledgment or payment made before the coming into force of section 6 of the ^{M10}Limitation Amendment Act 1980 (which amended section 23 of the Limitation Act 1939 and made certain repeals in sections 23 and 25 of that Act so as to prevent the revival by acknowledgment or part payment of a right of action barred by that Act) as it had effect immediately before section 6 came into force.

Marginal Citations

M9 1939 c. 21

M10 1980 c. 24(79)

- 6 Section 28 of the Limitation Act 1939 (provisions as to set-off or counterclaim) shall continue to apply (as originally enacted) to any claim by way of set-off or counterclaim made in an action to which section 35 of this Act does not apply, but as if the reference in section 28 to that Act were a reference to this Act; and, in relation to any such action, references in this Act to section 35 of this Act shall be construed as references to section 28 as it applies by virtue of this paragraph.
- 7 Section 37(2)(c) of this Act shall be treated for the purposes of the ^{M11}Hovercraft Act 1968 as if it were contained in an Act passed before that Act.

Marginal Citations

M11 1968 c. 59(111)

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- 8 In relation to a lease granted before the coming into force of section 3(2) of the Limitation Amendment Act 1980 (which substituted “ten pounds a year” for “twenty shillings ” in section 9(3) of the Limitation Act 1939), paragraph 6(1)(a) of Schedule 1 to this Act shall have effect as if for the words “ten pounds a year” there were substituted the words “ twenty shillings ”.
- 9 (1) Nothing in any provision of this Act shall—
 - (a) enable any action to be brought which was barred by this Act or (as the case may be) by the Limitation Act 1939 before the relevant date; or
 - (b) affect any action or arbitration commenced before that date or the title to any property which is the subject of any such action or arbitration.
- (2) In sub-paragraph (1) above “the relevant date” means—
 - (a) in relation to section 35 of this Act, the date on which that section comes into force in relation to actions of the description in question or, if section 8 of the Limitation Amendment Act 1980 (which substituted the provisions reproduced in section 35 for section 28 of the Limitation Act 1939) is in force immediately before 1st May 1981 in relation to actions of that description, the date on which section 8 came into force in relation to actions of that description; and
 - (b) in relation to any other provision of this Act, 1st August 1980 (being the date of coming into force of the remaining provisions of the Limitation Amendment Act 1980, apart from section 8).

SCHEDULE 3

Section 40(2)

CONSEQUENTIAL AMENDMENTS

^{F3}1

Textual Amendments
F3 Sch. 3 para. 1 repealed (27.4.1997) by 1997 c. 2, ss. 4(2), 5(2)(3), Sch. 2 Pt. II

- 2 In section 21A of the ^{M12}Administration of Estates Act 1925 (debtor who becomes creditor’s executor by representation or administrator to account for debt to estate) the reference in subsection (2) to the ^{M13}Limitation Act 1939 shall be construed as including a reference to this Act.

Marginal Citations
M12 1925 c. 23(116:1)
M13 1939 c. 21

- 3 In section 2(1) of the ^{M14}Limitation (Enemies and War Prisoners) Act 1945 (interpretation), for the words “the Limitation Act 1939” in the definition of “statute of limitation” there shall be substituted the words “ the Limitation Act 1980 ”.

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Modifications etc. (not altering text)

C1 The text of Sch. 3 paras. 1, 3–12, Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M14 [1945 c. 16.](#)

- 4 In section 3(4) of the ^{M15} Charitable Trusts (Validation) Act 1954 (application of section 31(2) to (4) of the Limitation Act 1939 for purposes of that section), for the words “Subsections (2) to (4) of section thirty-one of the Limitation Act 1939” there shall be substituted the words “ Subsections (2) to (6) of section thirty-one of the Limitation Act 1980 ”.

Modifications etc. (not altering text)

C2 The text of Sch. 3 paras. 1, 3–12, Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M15 [1954 c. 58.](#)

- 5 In section 5(3) of the ^{M16} Carriage by Air Act 1961 (application of time limit in that Act to arbitrations), for the words “section twenty-seven of the Limitation Act 1939” there shall be substituted the words “ section thirty-four of the Limitation Act 1980 ”.

Modifications etc. (not altering text)

C3 The text of Sch. 3 paras. 1, 3–12, Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M16 [1961 c. 27.](#)

- 6 In section 7(2)(a) of the ^{M17} Carriage of Goods by Road Act 1965 (application of time limit in that Act to arbitrations), for the words “section 27 of the Limitation Act 1939” there shall be substituted the words “ section 34 of the Limitation Act 1980 ”.

Modifications etc. (not altering text)

C4 The text of Sch. 3 paras. 1, 3–12, Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M17 [1965 c. 37.](#)

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- 7 In paragraph 7(6) of Schedule 3 to the ^{M18} Agriculture Act 1967 (conditions applying to amalgamated agricultural units) for the words “the Limitation Act 1939” there shall be substituted the words “ the Limitation Act 1980 ”.

Modifications etc. (not altering text)

- C5** The text of Sch. 3 paras. 1, 3–12, Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M18** 1967 c. 22.

- 8 In paragraph 6(2) of Schedule 3 to the ^{M19} Mines and Quarries (Tips) Act 1969 (time limits for claims for compensation under that Act to be treated as if contained in Part I of the Limitation Act 1939), for the words “the Limitation Act 1939” there shall be substituted the words “ the Limitation Act 1980 ”.

Modifications etc. (not altering text)

- C6** The text of Sch. 3 paras. 1, 3–12, Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M19** 1969 c. 10.

- 9 In section 25(5) of the ^{M20} Law of Property Act 1969 (accrual of cause of action to recover compensation for loss due to undisclosed land charges), for the words “the Limitation Act 1939” there shall be substituted the words “ the Limitation Act 1980 ”.

Modifications etc. (not altering text)

- C7** The text of Sch. 3 paras. 1, 3–12, Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M20** 1969 c. 59.

- 10 In section 10 of the ^{M21} Animals Act 1971 (application of certain enactments to liability under sections 2 to 4 of that Act) for the words “the Limitation Acts 1939 to 1963” there shall be substituted the words “ the Limitation Act 1980 ”.

Modifications etc. (not altering text)

- C8** The text of Sch. 3 paras. 1, 3–12, Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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Marginal Citations

M21 1971 c. 22.

- 11 In section 2(4) of the^{M22} Deposit of Poisonous Waste Act 1972 (civil liability under that Act) for the words from “the Limitation Acts 1939 and 1963” to “1954” there shall be substituted the words “ the Limitation Act 1980 ”.

Modifications etc. (not altering text)

C9 The text of Sch. 3 paras. 1, 3–12, Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M22 1972 c. 21.

- 12 In section 88(4) of the^{M23} Control of Pollution Act 1974 (civil liability under that Act) for paragraph (c) there shall be substituted the following paragraph—
“(c) the Limitation Act 1980”.

Modifications etc. (not altering text)

C10 The text of Sch. 3 paras. 1, 3–12, Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M23 1974 c. 40.

SCHEDULE 4

Section 40(3).

ENACTMENTS REPEALED

Modifications etc. (not altering text)

C11 The text of Sch. 3 paras. 1, 3–12, Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short title	Extent of Repeal
2 & 3 Geo. 6 c. 21.	The Limitation Act 1939.	The whole Act.
7 & 8 Eliz. 2 c. 72.	The Mental Health Act 1959.	In Schedule 7, Part I, the entry relating to the Limitation Act 1939.
1963 c. 47.	The Limitation Act 1963.	Sections 4 and 5.

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		Section 7(7).
		Section 14(1).
		Sections 15 and 16.
1975 c. 54.	The Limitation Act 1975.	The whole Act.
1976 c. 30.	The Fatal Accidents Act 1976.	In Schedule 1, paragraph 3.
1978 c. 47.	The Civil Liability (Contribution) Act 1978.	In Schedule 1, paragraph 6.
1980 c. 24.	The Limitation Amendment Act 1980.	Sections 1 to 9.
		Sections 11 to 13.
		Section 14(2) to (4).
		Schedules 1 and 2.

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