



# Limitation Act 1980

## 1980 CHAPTER 58

### PART I

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

*[<sup>F1</sup> Actions in respect of latent damage not involving personal injuries*

**[<sup>F1</sup>14A Special time limit for negligence actions where facts relevant to cause of action are not known at date of accrual.**

- (1) This section applies to any action for damages for negligence, other than one to which section 11 of this Act applies, where the starting date for reckoning the period of limitation under subsection (4)(b) below falls after the date on which the cause of action accrued.
- (2) Section 2 of this Act shall not apply to an action to which this section applies.
- (3) An action to which this section applies shall not be brought after the expiration of the period applicable in accordance with subsection (4) below.
- (4) That period is either—
  - (a) six years from the date on which the cause of action accrued; or
  - (b) three years from the starting date as defined by subsection (5) below, if that period expires later than the period mentioned in paragraph (a) above.
- (5) For the purposes of this section, the starting date for reckoning the period of limitation under subsection (4)(b) above is the earliest date on which the plaintiff or any person in whom the cause of action was vested before him first had both the knowledge required for bringing an action for damages in respect of the relevant damage and a right to bring such an action.
- (6) In subsection (5) above “the knowledge required for bringing an action for damages in respect of the relevant damage” means knowledge both—
  - (a) of the material facts about the damage in respect of which damages are claimed; and

*Status: Point in time view as at 21/04/2021.*

*Changes to legislation: Limitation Act 1980, Section 14A is up to date with all changes known to be in force on or before 05 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (b) of the other facts relevant to the current action mentioned in subsection (8) below.
- (7) For the purposes of subsection (6)(a) above, the material facts about the damage are such facts about the damage as would lead a reasonable person who had suffered such damage to consider it sufficiently serious to justify his instituting proceedings for damages against a defendant who did not dispute liability and was able to satisfy a judgment.
- (8) The other facts referred to in subsection (6)(b) above are—
- (a) that the damage was attributable in whole or in part to the act or omission which is alleged to constitute negligence; and
  - (b) the identity of the defendant; and
  - (c) 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.
- (9) Knowledge that any acts or omissions did or did not, as a matter of law, involve negligence is irrelevant for the purposes of subsection (5) above.
- (10) 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 appropriate expert advice which it is reasonable for him to seek;
- but a person shall not be taken by virtue of this subsection to have 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.]

#### **Textual Amendments**

**F1** Ss. 14A, 14B inserted with saving by [Latent Damage Act 1986 \(c. 37, SIF 79\)](#), **ss. 1, 4(1)(2)**

**Status:**

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