



Limitation Act 1980

1980 CHAPTER 58

PART I

ORDINARY TIME LIMITS FOR DIFFERENT CLASSES OF ACTION

Miscellaneous and supplemental

^{F1}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.

- (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.

Status: Point in time view as at 31/01/2018.

Changes to legislation: Limitation Act 1980, Section 25 is up to date with all changes known to be in force on or before 30 July 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)

- (3) Subject to section 75 of the ^{M1}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. ^{F1}

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- F1** S. 25 repealed (provinces of Canterbury and York) (1.1.1989) by [Patronage \(Benefices\) Measure 1986](#) (No. 3, SIF 21:4), **ss. 1(2), 4(3), 42(2)**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

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