



Limitation (Enemies and War Prisoner) Act 1945

1945 CHAPTER 16 8 and 9 Geo 6

2 Interpretation.

(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“action” means civil proceedings before any court or tribunal and includes arbitration proceedings;

“enemy” means any person who is, or is deemed to be, an enemy for any of the purposes of the Trading with the ^{M1}Enemy Act 1939, except that in ascertaining whether a person is such an enemy the expression “enemy territory” in section two of the said Act shall have the meaning assigned to that expression by this section;

“enemy territory” means:—

- (a) any area which is enemy territory as defined by subsection (1) of section fifteen of the Trading with the Enemy Act 1939;
- (b) any area in relation to which the provisions of the said Act apply, by virtue of an order made under subsection (1A) of the said section fifteen, as they apply in relation to enemy territory as so defined; and
- (c) any area which, by virtue of Regulation six or Regulation seven of the Defence (Trading with the Enemy) Regulations 1940, or any order made thereunder, is treated for any of the purposes of the said Act as enemy territory as so defined or such territory as is referred to in the last foregoing paragraph;

“statute of limitation” means any of the following enactments, that is to say—

[^{F1}the Limitation Act 1980],

[^{F2}subsection (3) of section two of the ^{M2}Fatal Accidents Act 1976],

^{F3}
...

F4

.....
section eight of the ^{M3}Maritime Conventions Act 1911,

Changes to legislation: There are currently no known outstanding effects for the Limitation (Enemies and War Prisoner) Act 1945, Section 2. (See end of Document for details)

[^{F5}Rule 6 of Article III of the Schedule to the ^{M4}Carriage of Goods by Sea Act 1971],

.....^{F6}

.....^{F7}

section one of the ^{M5}Law Reform (Miscellaneous Provisions) Act 1934, [^{F8}section 13(2) of the ^{M6}Matrimonial Causes Act 1973 and paragraph 11(3) of Schedule 1 to that Act].

[^{F9}section 51(2) of the Civil Partnership Act 2004.]

[^{F10} subsection (1) of section four of the ^{M7} Limitation Act 1963]

[^{F11} and, in a case to which section 1(1) of the ^{M8} Foreign Limitation Periods Act 1984 applies, so much of the law of any country outside England and Wales as applies by virtue of that Act.]

- (2) References in this Act to any person who would have been a necessary party to an action shall be construed as including references to any person who would have been such a necessary party but for the provisions of section seven of the Trading with the ^{M9} Enemy Act 1939, or any order made thereunder.
- (3) References in this Act to the period during which any person was detained in enemy territory shall be construed as including references to any period immediately following the period of such detention during which that person remained in enemy territory.
- (4) Subsection (2) of section fifteen of the Trading with the ^{M10} Enemy Act 1939 (which provides that a certificate of a Secretary of State shall, for the purposes of proceedings under or arising out of that Act, be conclusive evidence of certain matters affecting the definition of “enemy territory”) shall apply for the purposes of any action to which this Act relates.
- (5) References in this Act to any enactment or to any Defence Regulation shall be construed as referring to that enactment or Regulation as amended by any subsequent enactment or Defence Regulation.

Textual Amendments

- F1** Words substituted by [Limitation Act 1980 \(c. 58, SIF 79\)](#) , s. 40(2) , **Sch. 3 para. 3**
- F2** Words substituted by virtue of [Fatal Accidents Act 1976 \(c. 30\)](#) , **Sch. 1 para. 1**
- F3** Reference to s. 4 of the [Employers' Liability Act 1880](#) repealed (5.11.1993) by [1993 c. 50](#) , s. 1(1) , **Sch. 1 Pt. 1** Group1.
- F4** Words repealed by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#) , s. 303(2) , **Sch. 8**
- F5** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#) , **s. 17(2)(a)**
- F6** Words repealed by [Consumer Credit Act 1974 \(c. 39\)](#) , s. 192(4) , **Sch. 5**
- F7** Words repealed by [Carriage by Air Act 1961 \(c. 27\)](#) , **Sch. 2**
- F8** Words substituted by [Matrimonial Causes Act 1973 \(c. 18\)](#) , **Sch. 2 para. 2**
- F9** Words in s. 2 inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#) , s. 263(10)(b) , **Sch. 27 para. 11** ; [S.I. 2005/3175](#) , art. 2(2)
- F10** Words added by [Limitation Act 1963 \(c. 47\)](#) , **s. 4(3)**
- F11** Words inserted (E.W.) by [Foreign Limitation Periods Act 1984 \(c. 16, SIF 79\)](#) , **ss. 2(4)** , 7(2)

Modifications etc. (not altering text)

- C1** Defence (Trading with the Enemy) Regulations 1940, reg. 6 was permanently enacted as [Emergency Laws \(Miscellaneous Provisions\) Act 1953 \(c. 47\)](#) , **Sch. 2 para. 9** and reg. 7 revoked: *ibid.*, s. 2

Changes to legislation: There are currently no known outstanding effects for the Limitation (Enemies and War Prisoner) Act 1945, Section 2. (See end of Document for details)

Marginal Citations

- M1** 1939 c. 89 .
- M2** 1976 c. 30 .
- M3** 1911 c. 57 .
- M4** 1971 c. 19 .
- M5** 1934 c. 41 .
- M6** 1973 c. 18 .
- M7** 1963 c. 47 .
- M8** 1984 c. 1679 .
- M9** 1939 c. 89 .
- M10** 1939 c. 89 .

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