



Number 18 of 1991

STATUTE OF LIMITATIONS (AMENDMENT) ACT 1991

REVISED

Updated to 30 June 2016

This Revised Act is an administrative consolidation of the *Statute of Limitations (Amendment) Act 1991*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), enacted 11 February 2016, and all statutory instruments up to and including *European Union (Cereal Seed) (Amendment) Regulations 2016* (S.I. No. 375 of 2016), made 30 June 2016, were considered in the preparation of this Revised Act.

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Introduction

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was first passed.

Related legislation

Statutes of Limitations: this Act is one of a group of Acts included in this collective citation, to be construed together as one [*Statute of Limitations (Amendment) Act 2000*, s. 1(2)]. The Acts in the group are:

- *Statute of Limitations 1957* (6/1957)
- *Statute of Limitations (Amendment) Act 1991* (18/1991)
- *Statute of Limitations (Amendment) Act 2000* (13/2000)

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1999, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.



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ARRANGEMENT OF SECTIONS

Section

1. Definition.
2. Date of knowledge for the purposes of this Act.
3. Special time limit for actions in respect of personal injuries.
4. Survival of causes of action to which *section 3* applies.
5. Extension of limitation period in case of disability.
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6. Period of limitation in cases of fatal injuries.
7. Application of Act.
8. Short title, construction and collective citation.

ACTS REFERRED TO

Civil Liability Act, 1961	1961, No. 41
Control of Dogs Act, 1986	1986, No. 32
Sale of Goods and Supply of Services Act, 1980	1980, No. 16
Statute of Limitations, 1957	1957, No. 6



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AN ACT TO AMEND AND EXTEND THE STATUTE OF LIMITATIONS, 1957, BY MAKING NEW PROVISIONS AS REGARDS THE DATE FROM WHICH THE PERIOD OF LIMITATION IS TO RUN IN RESPECT OF ACTIONS FOR CERTAIN PERSONAL INJURIES, AND TO AMEND RELATED PROVISIONS IN OTHER STATUTES, AND TO PROVIDE FOR OTHER MATTERS CONNECTED THEREWITH. [10th July, 1991]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definition.

1.—In this Act “the Principal Act” means the Statute of Limitations, 1957.

Date of knowledge for the purposes of this Act.

2.—(1) For the purposes of any provision of this Act whereby the time within which an action in respect of an injury may be brought depends on a person's date of knowledge (whether he is the person injured or a personal representative or dependant of the person injured) references to that person's date of knowledge are references to the date on which he first had knowledge of the following facts:

- (a) that the person alleged to have been injured had been injured,
- (b) that the injury in question was significant,
- (c) that the injury was attributable in whole or in part to the act or omission which is alleged to constitute negligence, nuisance or breach of duty,
- (d) the identity of the defendant, and
- (e) 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;

and knowledge that any acts or omissions did or did not, as a matter of law, involve negligence, nuisance or breach of duty is irrelevant.

(2) 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 medical or other appropriate expert advice which it is reasonable for him to seek.

(3) Notwithstanding *subsection (2)* of this section—

- (a) a person shall not be fixed under this section with 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; and
- (b) a person injured shall not be fixed under this section with knowledge of a fact relevant to the injury which he has failed to acquire as a result of that injury.

Special time limit for actions in respect of personal injuries.

3.—(1) An action, other than one to which *section 6* of this Act applies, claiming damages in respect of personal injuries to a person caused by negligence, nuisance or breach of duty (whether the duty exists by virtue of a contract or of a provision made by or under a statute or independently of any contract or any such provision) shall not be brought after the expiration of [2 years] from the date on which the cause of action accrued or the date of knowledge (if later) of the person injured.

(2) Section 11 (2) of the Principal Act is hereby amended by the substitution of the following paragraph for paragraphs (a) and (b):

“(a) Subject to paragraph (c) of this subsection and to section 3 (1) of the Statute of Limitations (Amendment) Act, 1991, an action founded on tort shall not be brought after the expiration of six years from the date on which the cause of action accrued.”.

(3) Notwithstanding section 11 (2) (d) (inserted by section 13 (8) of the Sale of Goods and Supply of Services Act, 1980) of the Principal Act, an action for damages under section 13 (7) of the said Act of 1980 which consist of or include damages in respect of personal injuries to any person may be brought within two years of the date of knowledge of the person injured if that date is later than the date on which the cause of action accrued.

(4) The reference in section 21 (4) (b) of the Control of Dogs Act, 1986, to section 11 (2) (b) of the Principal Act shall be construed as a reference to *subsection (1)* of this section.

Survival of causes of action to which *section 3* applies.

4.—(1) If an injured person to whom *section 3* of this Act applies dies before the expiration of the period specified in that section, any action that may be brought for the benefit of his estate in respect of a cause of action to which that section applies by virtue of section 7 of the Civil Liability Act, 1961, may be brought at any time before the expiration of [2 years] from—

- (a) the date of death, or
- (b) the date of the personal representative's knowledge,

whichever is the later.

(2) For the purposes of this section—

- (a) “personal representative” includes any person who is or has been a personal representative of the deceased, including an executor who has not proved the will (whether or not he has renounced probate), and
- (b) where a person acquires knowledge of the injury before his appointment as personal representative of the deceased, the date of knowledge of that person shall be taken to be the date of his appointment as personal representative.

(3) If there is more than one personal representative and their dates of knowledge are different, *subsection (1) (b)* of this section shall be construed as referring to the earliest of those dates.

Extension of limitation period in case of disability.

5.—(1) Notwithstanding anything in section 49 (1) (a) of the Principal Act, if, in the case of—

(a) an action of the kind to which *section 3* of this Act applies, or

(b) an action under section 48 (1) of the Civil Liability Act, 1961 (being an action where death is caused by wrongful act, neglect or default),

the person having the right to bring the action was under a disability either at the time when that right accrued to him or at the date of his knowledge, the action may be brought at any time before the expiration of [2 years] from the date when he ceased to be under a disability or died, whichever event first occurred, notwithstanding that the period specified in the said *section 3* has expired, but section 49 (1) (c) of the Principal Act shall apply accordingly.

(2) *Subsection (1)* of this section shall not affect any case where the right of action first accrued to some person (not under a disability) through whom the person under a disability claims.

(3) Notwithstanding section 49 (5) of the Principal Act (inserted by section 13 (8) of the Sale of Goods and Supply of Services Act, 1980), in the case of an action under section 13 (7) of the said Act of 1980, of the kind to which *section 3* of this Act applies, *subsections (1)* and *(2)* of this section shall have effect as if for the words “three years” there were substituted the words “two years”.

(4) Section 49 (2) of the Principal Act is hereby repealed.

[5A.—(1) Where the relevant date in respect of a cause of action falls before the commencement of *section 7* of the *Civil Liability and Courts Act 2004*, an action (being an action to which *section 3(1)*, *4(1)*, *5(1)* or *6(1)* of this Act applies) in respect of that cause of action shall not be brought after the expiration of—

(a) 2 years from the said commencement, or

(b) 3 years from the relevant date,

whichever occurs first.

(2) In this section ‘relevant date’ means the date of accrual of the cause of action or the date of knowledge of the person concerned as respects that cause of action whichever occurs later.]

Period of limitation in cases of fatal injuries.

6.—(1) An action under section 48 (1) of the Civil Liability Act, 1961, shall not be brought after the expiration of [2 years] from—

(a) the date of death, or

(b) the date of knowledge of the person for whose benefit the action is brought,

whichever is the later.

(2) Where there is more than one person for whose benefit an action under section 48 (1) of the Civil Liability Act, 1961, is brought, *subsection (1) (b)* of this section shall be applied separately to each of them.

(3) If, by virtue of *subsection (2)* of this section, the action would be outside the time limit applicable by virtue of *subsection (1)* of this section as regards one or more, but not all, of the persons for whose benefit it is brought, the court shall direct that any person as regards whom the action would be outside that limit shall be excluded from those for whom the action is brought.

(4) The court shall not give such a direction if it is shown that if the action were brought exclusively for the benefit of the person in question it would not be defeated

by a defence of limitation, whether in consequence of *section 5* of this Act or of an agreement between the parties not to raise the defence or otherwise.

(5) Section 48 (6) of the Civil Liability Act, 1961, is hereby repealed.

Application of Act.

7.—This Act shall apply to all causes of action whether accruing before or after its passing and to proceedings pending at its passing.

Short title, construction and collective citation.

8.—(1) This Act may be cited as the Statute of Limitations (Amendment) Act, 1991.

(2) The Principal Act and this Act shall be construed as one, and may be cited together as the Statutes of Limitation, 1957 and 1991.