

**Limitation Act
(CHAPTER 163)**

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Legislative History

LIMITATION ACT

(CHAPTER 163)

(Original Enactment: Ordinance 57 of 1959)

REVISED EDITION 1996

(27th December 1996)

An Act regulating the limitation of actions and arbitrations.

[11th September 1959]

PART I

Short title

1. This Act may be cited as the Limitation Act.

Interpretation

- 2.—(1) In this Act, unless the context otherwise requires —

“action” includes a suit or any other proceedings in a court;

“land” includes things attached to the earth or permanently fastened to anything attached to the earth, rentcharges and any legal or equitable estate or interest in land (including an interest in the proceeds of the sale of land held upon trust for sale) but does not include any right of way, easement, servitude, profit over or in respect of land, or right in the nature of an easement, servitude or profit over or in respect of land, or any other incorporeal hereditament;

“personal estate” and “personal property” do not include land or chattels real;

“personal injuries” includes any disease and any impairment of a person’s physical or mental condition;

“rent” includes a rentcharge and a rent service;

“rentcharge” means any annuity or periodical sum of money charged upon or payable out of land except a rent service or interest on a mortgage or charge on land or a rent payable in respect of a grant or lease of State land;

“trust” and “trustee” have the same meanings as in the Trustees Act [Cap. 337].

[7/66]

- (2) For the purposes of this Act, a person shall be deemed to be under a disability

while he is an infant or of unsound mind.

(3) A person shall be deemed to claim through another person, if he became entitled by, through, under, or by the act of that other person to the right claimed, except that a person becoming entitled to any estate or interest by virtue of a special power of appointment shall not be deemed to claim through the appointor.

(4) References in this Act to a right of action to recover land shall include references to a right to enter into possession of the land or in the case of rentcharges any right to distrain for arrears of rent and references to the bringing of such an action shall include references to the making of such an entry or distraint.

(5) References in this Act to the possession of land shall, in the case of rentcharges, be construed as references to the receipt of the rent, and references to the date of dispossession or discontinuance of possession of land shall, in the case of rentcharges, be construed as references to the date of the last receipt of rent.

(6) In Part III references to a right of action shall include references to a cause of action and to a right to receive money secured by a mortgage or charge on any property or to recover proceeds of the sale of land, and to a right to receive a share or interest in the personal estate of a deceased person; and references to the date of the accrual of a right of action shall —

- (a) in the case of an action for an account, be construed as references to the date on which the matter arose in respect of which an account is claimed;
- (b) in the case of an action upon a judgment, be construed as references to the date on which the judgment became enforceable;
- (c) in the case of an action to recover arrears of rent or interest, or damages in respect thereof, be construed as references to the date on which the rent or interest became due.

Saving for other limitation laws

3. This Act shall not apply to any action or arbitration for which a period of limitation is prescribed by any other written law or to any action or arbitration to which the Government is a party and for which if it were between private persons a period of limitation would have been prescribed by any other written law.

Limitation not to operate as a bar unless specially pleaded

4. Nothing in this Act shall operate as a bar to an action unless this Act has been expressly pleaded as a defence thereto in any case where under any written law relating to civil procedure for the time being in force such a defence is required to be so pleaded.