STATUTORY INSTRUMENTS

1987 No. 1629 (N.I. 17)

The Limitation (Amendment) (Northern Ireland) Order 1987

- - - - - - *15th September 1987*
- - - - - - *16th December 1987*

Title and commencement

1.—(1) This Order may be cited as the Limitation (Amendment) (Northern Ireland) Order 1987.

Para. (2) rep. by 1989 NI 11

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 applies to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"the 1958 Act" has the meaning given by Article 3;

"action" includes any proceeding in a court of law, an arbitration and any new claim within the meaning of section 2 of the 1958 Act.

Arts. 3, 4 rep. by 1989 NI 11

Accrual of cause of action to successive owners in respect of latent damage to property

5.—(1) Subject to paragraphs (2) to (7), where—

(a) a cause of action ("the original cause of action") has accrued to any person in respect of any negligence to which damage to any property in which he has an interest is attributable (in whole or in part); and

(b) another person acquires an interest in that property after the date on which the original cause of action accrued but before the material facts about the damage have become known to any person who, at the time when he first has knowledge of those facts, has any interest in the property;

a fresh cause of action in respect of that negligence shall accrue to that other person on the date on which he acquires his interest in the property.

(2) A cause of action accruing to any person by virtue of paragraph (1)—

(a) shall be treated as if based on breach of a duty of care at common law owed to the person to whom it accrues; and