

# LIMITATION

In the jurisdiction of England and Wales

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# CONTENT

- Definition
- Time limits
- Case law example



# What is Limitation?

- Definition: Limitation Act 1980
- Time limit to start proceedings in the Court and validity of a claim;
- Can cause stress and worries when the limitation of the case is approaching;
- Can lead to professional negligence claims if failed to issue proceedings on time.



# TIME LIMITS:

- **Contract:** 6 years
- **Tort – General rule:** 6 years

**Personal injury:** 3 years

(\*exceptions: children under 18 years old)



# CASE LAW

- ***Nemeti and others v Sabre Insurance Co Ltd [2013] EWCA Civ 1555***  
(03 December 2013)
- Important facts:
  - 1. Type of case: RTA
    - UK-insured, accident in Romania. Was the driver insured?
  - 2. Case issued near the limitation period



# COURT OF APPEAL DECISION

- The appellants (N) appealed against the dismissal of their application to amend their claim form and the striking out of their claims against the respondent insurance company (S).
- Held: A new party could not be substituted under the Limitation Act 1980 s.35 in a claim for damages following a road traffic accident where the proposed substitution was not designed to maintain the original claim but was designed to launch a new claim against a new party.
- The appeal was dismissed.

THANK YOU

