



SUPPLEMENT No. 2
TO
THE SOVEREIGN BASE AREAS GAZETTE
No. 1485 of 14th January 2008
LEGISLATION

ORDINANCE 1 OF 2008

LIMITATION OF ACTIONS (AMENDMENT) ORDINANCE 2008

An Ordinance to amend the Limitation of Actions Ordinance

R. H. LACEY
ADMINISTRATOR

9th January 2008.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:—

1. Short title

This Ordinance may be cited as the Limitation of Actions (Amendment) Ordinance 2008.

2. Amendments to the Limitation Law

- (1) The Limitation of Actions Ordinance(a) is amended as follows.
- (2) In section 3(2)(f) for the word “two” there is substituted the word “three”.
- (3) After section 8 there is added—

“8A. Extention of time limit in certain cases

- (1) In any proceedings concerning a claim for death or personal injury, if it appears to be equitable to do so, the Court may allow an action to proceed despite any limitation period imposed by statute.
- (2) In acting under this section, the Court must have regard to all of the circumstances of the case and in particular to—
 - (a) the length of, and reasons for the delay on the part of the plaintiff;
 - (b) the periods of time during which the plaintiff (or the deceased in the case of a claim concerning a death) was incapable of maintaining a cause of action;
 - (c) the conduct of the plaintiff and the defendant, including the extent to which either party responded to any requests for the provision of information relating to the claim; and

- (d) the extent to which, having regard to the delay, the evidence adduced or likely to be adduced by the plaintiff or the defendant is or is likely to be less cogent than if the action had been brought within the time allowed by any provision.
- (3) The Court must not exercise its discretion to allow an action to proceed after the expiry of five years from the date of limitation of the claim.”

3. Commencement

This Ordinance comes into force on the day it is published in the Gazette.

Notes

- (a) Cap 15. Statute Laws of Cyprus revised edition 1959, as applied to and adapted in the Areas by the Sovereign Base Areas of Akrotiri and Dhekelia Order in Council 1960 (SI 1960/1369, United Kingdom) and the Laws (Adaptation and Interpretation) (Consolidation and Extension) Ordinance 1968 (5/68).

EXPLANATORY NOTE

(This note does not form part of the Ordinance)

Introduction

1. These explanatory notes relate to the Limitation of Actions (Amendment) Ordinance 2008. They have been prepared by the Office of the Attorney General and Legal Adviser in order to assist the reader of the Ordinance. They do not form part of the Ordinance.

2. The notes should be read in conjunction with the Ordinance. They are not, and are not meant to be, a comprehensive description of the Ordinance. So when a section or part of a section does not seem to require any explanation or comment, none is given.

Particular points

3. The Ordinance extends the limitation period for certain causes of action contained in the Limitation Law from two years to three.

4. The causes of action in question are actions for or in respect of any goods sold or delivered, shop bills, hotel bills, book debts (other than book debts due to a bank) work and labour done and wages of artisans, labourers or servants.

5. The Ordinance also gives the Court discretion to permit certain actions to proceed even where the limitation period in respect of that action has passed. The actions are proceedings for death or personal injury. The Court must be satisfied that it is equitable to permit the action to proceed and must take into account all of the circumstances of the case, including certain specified circumstances.

6. The main provision relating to limitations in respect of death and personal injury is contained in section 68 of the Civil Wrongs Law (Cap 148), which was amended by the Civil Wrongs (Amendment) Ordinance 2007.

