

No. 4336, 31.5.2012

66(I)2012

The Limitation of Actions Law of 2012

INDEX OF SECTIONS

Section	
1	Short title.
2	Interpretation.
3	Commencement of the limitation period.
4	General limitation period.
5	Mortgages – Pledges.
6	Civil wrongs.
7	Contract.
8	Bills of exchange etc.
9	Heirs/legatees.
10	Actions on, for or in respect of a judgment.
11	Actions for accounts.
12	Non-commencement or suspension of limitation period.
13	Suspension of limitation period.
14	Fraud, concealment, mistake.
15	Cessation of limitation period due to suspension.
16	Cessation of limitation period due to incapacity.
17	Interruption of limitation period.
18	Counterclaim.
19	Non-recoverable payments.
20	No ex officio examination.
21	Application for limitation.
22	Extension of limitation period.
23	Suspension of specific limitation periods.
24	Unaffected provisions of law.
25	Public law.
26	Transitional provision.
27	Cause of action in respect of a matter to be referred to arbitration.
28	Commencement.
29	Repeal of laws.

SCHEDULE

A LAW TO PROVIDE FOR THE LIMITATION OF ACTIONABLE
RIGHTS – LIMITATION PERIODS FOR VARIOUS
CAUSES OF ACTIONS

The House of Representatives enacts as follows :

Short title.

1. This law may be cited as the Limitation of Actions Law of 2012.

Interpretation.

2. In this Law, unless the context otherwise requires –

14 of 1960
50 of 1962
11 of 1963
8 of 1969
40 of 1970
58 of 1972
1 of 1980
35 of 1982
29 of 1983
91 of 1983
16 of 1984
51 of 1984
83 of 1984
93 of 1984
18 of 1985
71 of 1985
89 of 1985
96 of 1986
317 of 1987
49 of 1988
64 of 1990
136 of 1991
149 of 1991
237 of 1991
149 of 1991
237 of 1991
42(I) of 1992
43(I) of 1992
102(I) of 1992
26(I) of 1993
82(I) of 1995
102(I) of 1996
4(I) of 1997

“action” has the meaning assigned to this term by the Courts of Justice Law and includes a counterclaim;

<p>53(I) of 1997 90(I) of 1997 27(I) of 1998 53(I) of 1998 110(I) of 1998 34(I) of 1999 146(I) of 1999 41(I) of 2000 32(I) of 2001 40(I) of 2002 80(I) of 2002 140(I) of 2002 206(I) of 2002 17(I) of 2004 165(I) of 2004 268(I) of 2004 21 (I) of 2006 99(I) of 2007 170(I) of 2007 76(I) of 2008 81(I) of 2008 118(I) of 2008 119(I) of 2008 36(I) of 2009 129(I) of 2009 138(I) of 2009 19(I) of 2010 166(I) of 2011.</p> <p>Cap. 224. 3 of 1960 78 of 1965 10 of 1966 75 of 1968 51 of 1971 2 of 1978 16 of 1980 23 of 1982 68 of 1984 82 of 1984 86 of 1985 189 of 1986 12 of 1987 74 of 1988 117 of 1988</p>	<p>"immovable property" shall have the meaning given to this term by the Immovable Property (Tenure, Registration and Valuation) Law,</p>
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43 of 1990	
65 of 1990	
30(I) of 1992	
90(I) of 1992	
6(I) of 1993	
58(I) of 1994	
40(I) of 1996	
31(I) of 1998	
144(I) of 1999	
123(I) of 2001	
57(I) of 2005	
5(I) of 2006	
55(I) of 2006	
136(I) of 2006	
120(I) of 2007	
121(I) of 2007	
150(I) of 2007	
165(I) of 2007	
27(I) of 2010	
61(I) of 2010	
82(I) of 2010	
83(I) of 2010	
48(I) of 2011.	
	“cause of action” means all events giving rise to the actionable right concerned by the claim;
Cap. 149. 22(I) of 1995.	“bond in customary form” means a bond as defined in section 78 of the Contract Law;
	“arbitration”, “arbitration finding”, “arbitration agreement” and “arbitration clause” have the meaning given to these terms by applicable law in the case of arbitration;
Cap. 193. 69(I) of 1992 20(I) of 2012.	“trust” and “trustee” have the meaning given to these terms by the Trustee Law or, where applicable, by the International Trusts Law;
	“damage” includes personal injury;
66(I) of 1997 74(I) of 1999 94(I) of 2000 119(I) of 2003 4(I) of 2004	“ credit institution” has the meaning given to this term by Section 2 of the Banking Law and includes any subsidiary of such institution;

<p>151(I) of 2004 231(I) of 2004 235(I) of 2004 20(I) of 2005 80(I) of 2008 100(I) of 2009 123(I) of 2009 27(I) of 2011 104(I) of 2011.</p>	
<p>Cap. 262. 16(I) of 1986 32(I) of 1997 36 (I) of 2003.</p>	<p>“ bill of exchange” or “ promissory note” have the meaning given to these terms by the Bills of Exchange Law;</p>
	<p>“bank” has the meaning given to this term by section 2 of the Banking Law and includes any subsidiary of a bank;</p>
	<p>“limitation period” means different limitation periods as defined in this Law.</p>
<p>Start of limitation period.</p>	<p>3. The limitation period starts to run from the date on which the cause of action accrues.</p>
<p>General limitation period.</p>	<p>4. Unless otherwise provided in any other law, no action shall be brought after the expiry of 10 years from the day on which the cause of action accrued.</p>
<p>Mortgages – Pledges.</p>	<p>5. (1) No action upon, for or in respect of a mortgage or pledge may be brought after the expiration of 12 years from the date on which the cause of action accrued.</p> <p>(2) Any proceedings for the disposal of mortgaged immovable property or a pledged item under any law shall be considered an action.</p>
<p>Civil Wrongs.</p>	<p>6. -(1) Subject to subsections (2), (3) and (4), no action in respect of civil wrongs may be brought after the expiry of six years after the date on which the cause of action accrued.</p> <p>(2) Where the claim in the action is related to damages for negligence, nuisance or breach of statutory duty, no action may be brought after the expiry of three years after the date</p>

<p>Contract.</p>	<p>on which the cause of action accrued, unless the person who suffered the injury became aware of the injury at a later stage. In this case, the limitation period starts on the date of knowledge of the person injured.</p> <p>(3) Where a tort claim is related to damage for personal injury or death, the Court may exercise its discretion after taking into account the causes and the length of delay in bringing the action and the duration of the plaintiff's or, as the case may be, the deceased person's incapacity to deal with his case, the plaintiff's or, as the case may be, the deceased's effort to obtain the necessary relevant data and the plaintiff's stance in relation to this effort and the consequences of the delay in relation to the obtention and reliability of testimony, decide not to apply the statute of limitations.</p> <p>Provided that the Court shall not exercise its above discretion after two years have elapsed from the date of limitation of the right of action.</p> <p>(4) An action for defamation or malicious falsehood may not be brought after the expiry of one year after the date on which the cause of action accrued.</p> <p>7. -(1) Subject to the provisions of subsections (2) and (3), no action founded on contract may be brought after the expiry of six years after the date on which the cause of action accrued.</p> <p>(2) No action founded on contract or quasi-contract in respect of the agreed or equitable remuneration, fees or charges of any advocate, doctor, architect, civil engineer, contractor or other self-employed professional may be brought after the expiry of six years after the date on which the cause of action accrued.</p> <p>(3) Where a contract of loan:</p> <p>(a) does not provide for repayment of the debt on or before a fixed or determinable date; and</p> <p>(b) does not make the obligation to repay the debt conditional on the giving of prior notice to the debtor;</p> <p>the limitation period shall not commence before the date on which a written demand for repayment of the debt is served</p>
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<p>Bills of exchange etc.</p>	<p>on the debtor by or on behalf of the lender or, where there are several co-lenders, by or on behalf of one of them.</p> <p>Provided that the provisions of section 5 shall apply in the cases of this subsection where a loan agreement is secured by a mortgage or pledge.</p> <p>8. No action may be brought after the expiry of six years after the date on which the cause of action accrued or in respect of:</p> <p>(a) a book debt from or to a credit institution;</p> <p>(b) a bill of exchange, cheque, promissory note and bond in customary form;</p> <p>(c) any debt due from or to a credit institution or a private individual carrying on financial business and deriving from hire-purchase, purchase or discount of debts receivable, financial lease, use of credit card or overdrafts and, in general, any other product presented as a banking or similar product other than a loan.</p>
<p>Heirs /legatees.</p>	<p>9. -(1) No action by a heir or legatee in respect of the estate of a deceased person or any part or portion thereof or a bequest may be brought after the expiry of eight years after the date the deceased's death.</p> <p>(2) No action in relation to the validity of a will may be brought after the expiry of eight years after date the testator's death.</p> <p>(3)) Where the plaintiff in an action referred to in subsections (1) and (2) was absent from Cyprus, the limitation period will not be considered to have been completed unless one year has elapsed from date on which the plaintiff learned of the death or could with reasonable diligence have become aware of the death or returned to Cyprus.</p>
<p>Action on, for or in respect to judgments.</p>	<p>10. No action on, for or in respect of a judgment may be brought after the expiry of fifteen years after the date of which the judgment became enforceable.</p>
<p>Actions for accounts.</p>	<p>11. No action for the provision of accounts shall be brought after the expiry of the limitation period under this Law in relation to a claim which is the basis of the duty to account.</p>

<p>Non commencement or suspension of limitation period.</p>	<p>12. The period of limitation shall not start to run or, if it has started, shall be suspended, in any of the following cases:</p> <ul style="list-style-type: none"> (a) between spouses during their marriage, even if the marriage is subsequently annulled; (b) between parents and children while the children are minors; (c) between trustees and trust beneficiaries while the trust beneficiaries are minors or, when the beneficiary is not yet born and until the beneficiary is born and comes of age; (d) between the executors of a will or administrators of a deceased's estate and heirs and legatees of the deceased while the heirs and legatees are minors; and (e) between cohabitants and cohabiting partners during their cohabitation.
<p>Suspension of limitation period.</p>	<p>13. The limitation period shall be suspended in any of the following cases:</p> <ul style="list-style-type: none"> (a) for as long as, during the last 6 months of the limitation period, the plaintiff was prevented from bringing an action by force majeure or by a moratorium; (b) for as long as, the defendant or any other person for whom the defendant is responsible prevented the claimant from bringing an action; (c) where the person with the right to sue dies; in this case the suspension period lasts until the expiry of three months after the appointment of the executor or administrator of the property of the deceased; (d) where, in accordance with the applicable law on mediation, it is considered that the mediation proceedings commenced and for the period during which such proceedings last.
<p>Fraud, concealment, mistake.</p>	<p>14. (1) The limitation period shall not start to run in cases where an action is based upon the fraud of the defendant or where the defendant has deliberately hidden facts about the cause of action or where the</p>

<p>Discontinuation of limitation period due to suspension.</p>	<p>action is for relief from the consequences of a mistake, until the plaintiff has discovered the fraud, concealment or mistake (as the case may be) or could with reasonable diligence have discovered it.</p> <p>(2) The limitation period in any of the cases referred to in subsection (1) shall start to run if, instead of the defendant, a representative or any other person binding the defendant discovered the fraud, concealment or mistake or could with reasonable diligence have discovered it.</p> <p>(3) A deliberate breach of duty in circumstances in which it is unlikely to be discovered amounts to deliberate concealment of a fact in relation to such breach.</p> <p>15. The period of suspension of limitation periods in accordance with sections 12 and 13 is not counted in calculating the limitation period. When the reason for the suspension disappears, the limitation period begins or, as the case may be, continues to run, but is in no case completed before a six-month period.</p>
<p>Discontinuation of limitation period due to disability.</p>	<p>16. - (1) In calculating the limitation period, any time during which a person against whom the period of limitation runs is under a disability and does not have a personal representative appointed under any law who is not under disability, shall be excluded from the calculation of such period.</p> <p>(2) For the purposes of this section, an incapacitated person is every individual who is under 18 years of age or who is suffering from a physical or mental impairment or illness which renders him incapable of managing his property and conducting his own affairs.</p>
<p>Interruption of limitation period.</p>	<p>17. The limitation period is interrupted and considered to begin to run again from the beginning in the following cases :</p> <p>(a) when the debtor acknowledges in writing the right to bring an action against him;</p> <p>(b) in the case of a monetary debt, if the debtor pays at least 50% of the total amount owed due, including any accrued interest.</p> <p>(c) with the commencement of an action; if the action is withdrawn in a manner that does not create any precedent or for reasons of substance, the time elapsed since the commencement of the action is considered as a period</p>

<p>Counterclaim.</p>	<p>of suspension of the limitation period and the provisions of Article 15 shall apply. Where the beneficiary brings an identical action within six months, the period of limitation shall be deemed to have been interrupted with the previous action.</p> <p>(d) with the commencement of an arbitration, which shall be treated as being commenced</p> <ul style="list-style-type: none"> (i) when one of the parties to arbitration serves on the other party or parties a notice requiring the other party or parties to appoint an arbitrator or agree to the appointment of an arbitrator; or (ii) when the arbitration agreement provides that the referral must be made to a person named or designated in the agreement, when one of the parties serves a notice on the other party or parties requiring the other party or parties to submit the dispute to the person so named or designated; or (iii) when, in accordance with the provisions of the applicable law on arbitration, an arbitration is deemed to be commenced, <p>(e) where the court :</p> <ul style="list-style-type: none"> (i) orders that the arbitration award should be set aside ; (ii) orders, after the commencement of an arbitration, that the arbitration agreement ceases to have effect with respect to the dispute <p>the court may further order that the period between the commencement of the arbitration and the date of the court order shall be excluded from the calculation of the limitation period, as determined in this Law or in any other legislative provision on the limitation of actions, in respect of the commencement of the proceedings, including arbitration with respect to the dispute referred.</p> <p>18. For the purpose of calculating the limitation period in relation to a counterclaim, the counterclaim is deemed to have been brought on the same day as the action against the rival was brought, where the cause of action of the counterclaim arises out of the same or substantially the same facts as those of the action. Otherwise, the counterclaim is considered a separate action and may not be brought if, at the date on which the counterclaim was filed, the limitation period for the counterclaim has expired.</p>
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Unrecoverable payments.	19. Payments made by the debtor in ignorance of the expiry of the limitation period may not be recovered.
No ex-officio examination.	20. A court in determining an action shall not of its own motion take account of the limitation of actions.
Application for limitation.	21. Within the framework of an action, any party with a legitimate interest in the proceedings may raise a limitation issue in an application.
Extension of limitation period.	22. Irrespective of the provisions of any other section of this Law, the court may extend the limitation period prescribed by the provisions of this Law by a period not exceeding two years if it considers that it would be equitable and reasonable in the circumstances. An application shall be submitted by way of originating summons before the commencement of the action or by incidental request after the request for limitation under section 21.
Special cases subject to suspension.	23. The limitation period shall be suspended in relation to : (a) any cause of action in respect of immovable property situated in an area that is not under the control of the Government of the Republic of Cyprus, (b) any cause of action in respect of movable property situated in an area that is not under the control of the Government of the Republic of Cyprus, as a result of the Turkish invasion, which has not been transferred to the free part of the territory of the Republic of Cyprus, (c) any cause of action in respect of immovable or movable property that is under the guardianship, pursuant to the to the Turkish Cypriot Properties (Administration and Other Matters) (Temporary Provisions) Act,
139 of 1991 99(I) of 1992 35(I) of 1994 7(I) of 1996 33(I) of 1998 59(I) of 2003 56(I) of 2006 119(I) of 2007 141(I) of 2009 39(I) of 2010.	(d) any right of action in favour of or against a person missing

<p>178(I) of 2003.</p> <p>Unaffected provisions of law.</p> <p>105(I) of 1995 94(I) of 1999 113(I) of 2000 45(I) of 2002.</p> <p>Cap. 148. 87 of 1973 54 of 1978 156 of 1985 41 of 1989 73(I) of 1992 101(I) of 1996 49(I) of 1997 29(I) of 2000 154(I) of 2002 129(I) of 2006 171(I) of 2006 82 (I) of 2008.</p> <p>Cap. 189. 157 of 1985 45 of 1990 2(I) of 1994.</p> <p>81(I) of 2011 32(I) of 2012.</p> <p>110(I) of 2002.</p>	<p>as a consequence of the Turkish invasion; the limitation period of a right of action against a missing person is not suspended or, where it has been suspended, the suspension ceases when an administrator is appointed in accordance with the Regulation of Certain Issues relating to the Estates of Missing Persons Law.</p> <p>24. The provisions of this Law shall not affect :</p> <p>(a) specific time limits relating to compensation under the Defective Products (Civil Liability) Law,</p> <p>(b) specific time limits referred to in section 58 of the Civil Wrongs Law,</p> <p>(c) specific time limits referred to in section 34 of the Administration of Estates Law,</p> <p>(d) specific time limits referred to in the Sale of Immovable Property (Specific Performance Law),</p> <p>(e) specific time limits referred to in any legal provision if such provision:</p> <p>(i) is not included in the provisions repealed under section 29, and</p> <p>(ii) has not been suspended under the Suspension of Limitation Period (Temporary Provisions) Law,</p>
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<p>232 of 1991 49(I) of 1995 34(I) of 1996 25(I) of 1998 58(I) of 1999 62(I) of 2006 169(I) of 2006 67(I) of 2008.</p>	<p>(f) specific time limits referred to in section 15 of the Spouses Property Relations (Regulation) Law.</p>
<p>Public law.</p>	<p>25. This law shall not apply and shall not affect rights or obligations under public law.</p>
<p>Transitional provision.</p>	<p>26. No action shall be brought after the expiration of one year from the date of entry into force of this Law, if the cause of action accrued at any time before the date of entry into force of this Law, unless the period between the day on which the cause of action had accrued and the lapse of one year after the entry into force of this Law is shorter than the limitation period pursuant to this Law for the specific right of action, in which case the limitation period is the period laid down by this Law.</p>
<p>Cause of action in respect of a matter to be submitted to arbitration.</p>	<p>27. Notwithstanding any provisions of an agreement or arbitration agreement, to the effect that no reason or cause of action accrues in respect of a matter referred to arbitration until an arbitration award or finding is made, the cause of action shall be deemed to have accrued at the time when it would have accrued but for such provisions in the agreement or for arbitration.</p>
<p>Entry into force of this law.</p>	<p>28. This law shall enter into force on 1 July 2012.</p>
<p>Repeal of laws. Schedule</p>	<p>29. (1) From the date of entry into force of this Law, the laws set out in the first column of the Schedule and to the extent set out in the second column of this Schedule are repealed.</p> <p>(2) Subject to the provisions of section 24 of this Law, regardless of the period of limitation provided for in any specific law, the provisions of this law shall prevail in the event of any conflict.</p>

SCHEDULE
(section 29)

<u>FIRST COLUMN</u>	<u>SECOND COLUMN</u>
LAWS	EXTENT OF REPEAL
The Limitation of Actions Law, Cap. 15	The whole law
The Civil Wrongs Law, Cap. 148.	Section 58, but only in relation to an act or omission that occurred at the time of or after the entry into force of this Law.
The Suspension of Period (Provisional Provisions) Law of 2002.	The whole law
The Bills of Exchange Law, Cap. 262.	Section 94
The Motor Vehicles (Third Party Insurance) Laws of 2000 to 2010.	Section 22
The Employers Liability (Compulsory Insurance) Laws of 1989 to 2011.	Section 19