



LIMITATION AMENDMENT ACT 1994

No. 41 of 1994

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**LIMITATION AMENDMENT ACT 1994**

No. 41 of 1994

AN ACT to amend the *Limitation Act 1974***[Royal Assent 25 August 1994]**

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title

1—This Act may be cited as the *Limitation Amendment Act 1994*.

Commencement

2—This Act commences on a day to be proclaimed.

Principal Act

3—In this Act, the *Limitation Act 1974** is referred to as the Principal Act.

Section 25D amended (No action can be brought after certain period)

4—Section 25D of the Principal Act is amended by omitting subsection (4).

Part IIIA inserted

5—After section 32 of the Principal Act, the following Part is inserted:—

PART IIIA**LIMITATION PERIODS FOR CHOICE OF LAW PURPOSES****Interpretation**

32A—In this Part, unless the contrary intention appears—

“court” includes arbitrator;

“limitation law” means a law that provides for the limitation or exclusion of any liability in respect of a cause of action or the barring of a right of action by reference to the time when a proceeding on, or the arbitration of, the cause of action is commenced.

Application

32B—This Part applies to a cause of action that accrued before the commencement of this Part but does not apply to a cause of action in respect of which proceedings were instituted before the commencement of this Part.

* No. 98 of 1974. For this Act, as amended to 1 July 1986, see the continuing Reprint of Statutes. Subsequently amended by No. 91 of 1986, No. 3 of 1991, No. 23 of 1992 and No. 92 of 1993.

Characterization of limitation laws

32C—If the substantive law of another place, being another State, a Territory or New Zealand, is to govern a cause of action before a court of this State, a limitation law of that place is to be regarded as part of that substantive law and applied accordingly by the court.

Exercise of discretion under limitation law

32D—Where a court of this State exercises a discretion conferred under a limitation law of a place, being another State, a Territory or New Zealand, that discretion, as far as practicable, is to be exercised in a manner in which it is exercised in comparable cases by the courts of that place.

*[Second reading presentation speech made in:—
House of Assembly on 4 May 1994
Legislative Council on 2 August 1994]*

