



## **Time Limits**

### **What is the Statute of Limitations?**

The Statute of Limitations is the length of time a person has to make a claim following an event that gives rise to the claim. Once the specified time has passed a case can no longer be brought. The logic is simple and grounded in common sense principles: after a certain length of time it is impossible to get accurate evidence – be it witnesses, people's recollection etc. and the threat of legal action cannot hang over a person for an indefinite time. Therefore, the law stepped in with the concept of the Statute of Limitations.

### **How long does a person have to take action?**

If a person is outside the limitation period, they cannot take an action.

For personal injuries claims an injured party has, by and large, two years.

Although the Statute of Limitation for personal injury claims is two years, there is an escape clause where a person has no knowledge that an injury is connected with a wrong committed by someone else or is ignorant of the person to sue.

### **What does the 'date of knowledge' mean?**

The Statute of Limitations (Amendment) Act 1991 introduced the 'date of knowledge' for personal injury cases. The date of knowledge is applied when the date the wrong / injury takes place differs from the date the wrong / injury is discovered. This means that in situations where the injury may not be obvious at first the time limit for actions does not begin until the injured party is aware of the injury. The date of knowledge has been applied in medical negligence cases; a person who receives a negligent medical procedure may not have knowledge of the injury at first until the injuries cause problems or they become aware that such problems arose as a consequence of such procedures. The 'date of knowledge' ensures that the time limit does not run out before a person realises they have an injury/action.

### **What are the time limits for different areas of law?**

- If going after an account – 6 years
- Tort other than personal injuries – 6 years
- Contract – 6 years

- Enforcing an arbitration award – 6 years
- Estate – 6 years or 12 years depending on circumstances
- Land - Adverse possession – 12 years, or 30 years if the State are taking an action
- Unfair dismissal – 6 months

### **What happens if a case involves different areas of law?**

The Statute of Limitations is a complex area of law that needs to be checked in each individual case to ensure that you are not out of time to take your case to Court.

#### **Example**

A recent case that has illustrated this is DePuy ASR Hip Implant Recall which has a mix of different areas of law – which could include Product Liability and medical negligence and personal injury.

### **What if I am owed money and I am offered partpayment, does the ‘clock stop ticking’ on the limitation period and should I accept the money?**

If someone acknowledges a debt this generally stops the clock running out. However, if you accept the payment and it is only a part payment you should ensure that you acknowledge the payment as a part payment only.

### **Where does ADR (Alternative Dispute Resolution) fit into all of this?**

The option of resolving disputes out of Court is now becoming a big issue because of the cost, the time and the uncertainty of litigation.

Clients are, therefore, well advised to consider mediation or other forms of alternative dispute mechanisms as a viable option to a fully contested Court hearing.

At Lynch Solicitors we are proficient in both approaches and will tailor each case to take advantage of either or both. Many cases benefit from a mixed approach and it is essential to put a case plan in place to take advantage of this.

### **For More Information**

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