
LEGAL TIME LIMITS FOR BRINGING A CASE- CAN YOU TELL US A LITTLE ABOUT THIS?

It is important for people to be aware that there are certain time limits within which they can bring a claim.

The Statute of Limitations is the length of time a person has to make a claim following an incident that gives rise to the claim.

Once the specified time has passed an action 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?

The legal time limits vary depending on the area of law, for example a personal injury claim has to be made within two years; you have three years for a product liability claim; six years for a breach of contract claim; and so on.

The Statute of Limitations may also work negatively against someone, for example with squatter's rights after a certain time period – 12 years, or 30 against the State – a person may lose their land or property to a squatter who has been in possession of it for this length of time.

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

WHAT IF YOU DIDN'T KNOW YOU HAD A CASE OR DIDN'T KNOW YOU WERE INJURED?

Yes this is an exception to the statutory time limit- the concept of 'date of knowledge' extends the time until you know or ought to have known that you had a case.

The 'date of knowledge' test provides that the two-year period within which you have to bring your personal injury claim will not begin to run against you until the date upon which you become aware of all of the following pieces of information:

- You have been injured.
- The injury was caused by the fault of someone else.

The date-of-knowledge test can prevent injustice from occurring in many scenarios. Take, for example, a situation where a doctor prescribes a patient with inappropriate medication over a period of time which has the effect of causing them serious organ damage. While the injury may be very serious in nature, it might well not manifest itself for several years.

If the patient does not begin to experience serious symptoms until three years after the medication has been taken, an absolute application of the two-year rule would mean that any claim against the doctor would be barred by the Statute of Limitations, notwithstanding the fact that the patient couldn't possibly have known that they were the victim of medical negligence at any time in that

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
- **Land - Adverse possession** – 12 years, or 30 years if the State are taking an action
- **Unfair dismissal** – 6 months

We recently heard a lot in the media about the symphysiotomy cases- all of which took place many years ago- was the statute an issue in these cases?

Yes, 1,500 Irish women were victims of symphysiotomy between 1944 and 1992. Women who had a symphysiotomy suffered permanent damage as a result and endured a life of pain and discomfort. Many of the women were not aware that they had a symphysiotomy and may have only become aware of it many years later.

IF I HAVE SUFFERED AN INJURY HOW CAN I ENSURE THE TIME LIMIT I HAVE TO MAKE MY CLAIM WILL NOT EXPIRE?

It is very important to contact us, at Lynch Solicitors, immediately when your difficulty or injury occurs, or as soon as you have knowledge of your injury, to ensure your case is not affected by the Statute of Limitations.

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