

Number 66 (I) of 2012

LAW TO PROVIDE FOR THE PRESCRIPTION
ACTIONABLE RIGHT - LIMITATION PERIODS FOR
MISCELLANEOUS CAUSES OF ACTION

The House of Representatives enacts as follows:

1. This Law may be cited as the Limitation of Actions Law of 2012 to 2015.

Interpretation

2. In this Law, unless otherwise cited:

"Lawsuit" has the meaning given to this term by the Courts of Justice Act and includes a counterclaim.

"Immovable property" has the meaning given to this term by the Immovable Property (Tenure, Registration and Valuation) Law.

"Basis of the claim" is defined "as all events that give rise to an actionable right concerning a claim."

"Normal bill of exchange" means a bill of exchange as defined in Article 78 of the Contract Law.

"Arbitration", "arbitration finding", "arbitration agreement" and "arbitration clause" shall have the meaning given to these terms by applicable law in the case of arbitration.

"Trust" and "trustee trust" have the meaning given to those terms by the Commissioners Trusts Act or, as the case may be, by the International Trusts Law.
"Damage" includes personal injury.

"Credit institution" has the meaning ascribed to this term

'Bill of exchange ' or 'payable Bill of Exchange' have the meaning given to those terms by the Exchange Law.

"Bank" has the meaning assigned to it by Article 2 of the Banking Act and includes any bank affiliate.

"Limitation period" means different limitation periods as defined in this Law..

Start of limitation period

3. The limitation period commences when the basis of the claim is complete:

Provided that, without prejudice of the provisions of articles 24 and 29, the time limitation period shall start to be measured from the 1st January 2016.

General limitation period

4. Unless otherwise provided for in any other law, no action shall be brought upon, for, or in respect of, any cause of action after the expiration of ten years from the day of completion of the basis of the claim.

Mortgages

5 .- (1) For any mortgage or pledge, the limitation period is twelve years from the day of completion of the basis of the claim.

(2) Any process for the disposal of a real estate mortgage or lien under any law, is considered a lawsuit.

Civil wrongs

6 .- (1) Unless otherwise stated in subsections (2), (3) and (4) the limitation period for civil wrongs is six years from the date of completion of the basis of the claim.

(2) If the claim relates to negligence, nuisance or breach of statutory duty, the limitation period is three years from the day of completion of the basis of the claim, unless the Claimant who suffered the injury became aware of the damage at a later stage. In this case, time is calculated from the date he receives knowledge.

(3) If the claim relates to personal injury or death the Court may exercise its absolute discretion and extend the time limit, but only if the Claimant applies within 2 years of the expiration of the limitation period.

(4) If the claim relates to defamation or malicious falsehood, the limitation period is one (1) year from the day of completion of the basis of the claim.

Contracts

7 .- (1) Unless otherwise stated in subsections (2) and (3), the limitation period for contracts is six years from the date of the completion of the basis of the claim..

(2) If the claim relates to a contract or quasi-contract for any remuneration, fee or charge of, amongst others, any advocate, medical practitioner, dentist, architect, civil engineer, the limitation period is three years from the date of completion of the basis of the claim.

(3) In the case of loan agreements which are secured by mortgage that:

(a) do not provide for the repayment of debt at a fixed or determinable or up to a fixed or up to a determinable date and

(b) do not require as condition precedent to repayment of the debt the giving of prior notice to the debtor, the period of limitation shall not commence before the serving of a written notice by the lender (or where there are co-lenders, from or on behalf of one of them) to the borrower:

In the cases of this subparagraph, where in connection with obtaining the loan the borrower has a mortgage or lien as security, the provisions of Article 5 apply.

Bills of Exchange

8. The limitation period for the following shall be six years from the date of completion of the basis for the claim:

(a) any book debt, which is due to or from credit institution,

(b) bills of exchange, cheques, promissory notes and bonds in a customary form,

(c) any obligation due to or from, amongst others, a credit institution deriving from, among other, hire-purchase, purchase, use of credit card or overdrafts or any other product that from to time is represented as a banking product except loans.

Probate

9 .- (1) For claims related to inheritance the limitation period for heirs wishing to bring a Claim is eight years from the date of death. This period is subject of exceptions under the Law.

(2) No action relating to the validity of a will or in relation to the estate of a deceased or any portion or part thereof or bequest, after 8 years from the date of death of the testator.

(3) If in any of the cases of subsections (1) and (2) the plaintiff was absent from Cyprus, the limitation period will not be considered to have been completed until one year has elapsed from the time that the claimant returned to Cyprus or knew or could with reasonable diligence have obtained knowledge death and returned to Cyprus.

Judgements

10.- For any judgment, the limitation period is 15 years from the date on which the judgment became final.

11. No action relating to the provision of accounts shall be brought after the expiration of the limitation period under this Law in relation to a claim from which stems the obligation to provide accounts.

Limitation period non-commencement and suspension

12. The limitation period will not start, or if it has started, will be suspended in any of the following cases:

(a) between spouses during their marriage, even though the marriage is later annulled;

(b) between parents and children while the children are minors;

(c) between trustees and trust beneficiaries while the trust beneficiaries are minors or until the beneficiary is born and comes of age;

(d) between the executors of a will or the administrators of a deceased's estate and heirs or legatees of the deceased are minors ; and

(e) between cohabiting partners during cohabitation.

Limitation period suspension

13. The limitation period shall be suspended in any of the following cases:

(a) If, in the final six months of the applicable limitation period, the claimant was prevented from commencing proceedings due to a moratorium or force majeure;

(b) If, in the final six months of the applicable limitation period, the defendant or any other person for whom the defendant is responsible prevented the claimant from instigating proceedings;

(c) In the case of death of the beneficiary to sue, then the suspension period lasts until three months have expired from the appointment of the executor or administrator of the property of the deceased.

(d) If, in accordance with the provisions of applicable law on mediation, it is considered that the mediation commenced and continues for the duration of the mediation process.

Deceptions, concealments, errors

14 .- (1) In cases when a lawsuit incorrectly concerns deceit by the defendant, or when the defendant has deliberately hidden facts about the cause of action, or if the action relates to the effects resulting from incorrect actions, then the period of limitation shall not begin to run until the claimant has discovered the fraud, the concealment or the mistake, where appropriate.

(2) The time limitation in any of the cases referred to in subsection (1) will also start running if a representative, or any other person binding the claimant, discovered or could have discovered, with reasonable diligence, the fraud, the concealment or the mistake, where appropriate.

(3) A deliberate breach of duty in circumstances which would make discovery especially difficult shall be equivalent to a deliberate concealment of fact in relation to such breach.

Cessation of limitation period suspension

15. The period of suspension of limitation periods in accordance with Articles 12 and 13 is not counted towards the time of suspension. When the reason of suspension is eliminated, the time of limitation begins or, as the case may be, continues to run, but is in no case completed before a six month period.

Termination of limitation periods due to disability

16 .- (1) In calculating the limitation period any time during which the person against whom the period of limitation runs is incapacitated and considered incapable and does not have a personal representative in the eyes of the law that is not an incapable person, shall be excluded from such period.

(2) For the purposes of this Law an incapable person is any person who is under 18 years of age or because of a mental or physical illness or impediment renders them unable to manage his property and to conduct his affairs.

Limitation period interruptions

17. In cases where the limitation period is suspended, it is considered to have begun to run again from the beginning in the following cases:

- (a) where the debtor recognizes in writing a right relating to an action against him,
- (b) If a monetary obligation if the debtor pays at least 50% of the amount owed, including any interest payable,
- (c) by taking action: if the lawsuit is withdrawn in a manner that does not create a precedent or rejected for reasons of substance, the time elapsed since the commencement of the lawsuit, is considered as time of suspension of the limitation period and the provisions of Article 15 are applied. In case the beneficiary raises identical lawsuit within six months, the period of limitation shall be deemed to have discontinued from the previous lawsuit,
- (d) with the initiation of arbitration proceedings, which shall be considered as having started:
 - (i) when one of the parties to arbitration serves Notice on the other party or other parties notice inviting the appointment of 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, that is named or appointed in the agreement, when of the parties serves notice on the other calling for a referral of the dispute to the person that is named or identified, or
 - (iii) where, in accordance with the provisions applicable in the case law on arbitration is considered to have started an arbitration procedure,
- (e) where the court –
 - (i) orders that the arbitration award is canceled
 - (ii) order that, after the commencement of arbitration, that the arbitration agreement, ceases to have effect after referral of the dispute,

the court may further order that the period between commencement of arbitration and the date of the court order, is excluded from the calculation of the limitation period, in the way that this is determined in this Law or in another limitation of

actions regulation, in connection with the commencement of arbitration, including the arbitration in connection with the referred dispute.

Counterclaims

18. Counterclaims shall be considered as being registered on the same day as its lawsuit against the rival, if the basis of a counterclaim arises from the same or substantially the same facts as those of the lawsuit. Otherwise the counterclaim is considered a separate action and is not raised if at the time of registration of the counterclaim the period of limitation is fulfilled with respect to the basis of a counterclaim.

Unrecoverable payments

19. Payments made by a debtor who was unaware that the limitation period had expired are not recoverable.

Ex officio examination

20. A court in determining an action shall not on its own initiative take account of the limitation of actions.

Out of time

21. Any party with a legitimate interest in the proceedings may raise the issue that the claim is out of time.

Limitation period extensions

22. Notwithstanding the provisions of any other Article of this Law, the court may extend the prescribed according to the provisions of this Act limitation period for up to two years if it considers it fair and reasonable under the circumstances.

Limitation period suspensions

23. The limitation period shall be suspended in respect of:

(a) any cause of action relating to immovable property, which is not controlled by the Government of the Republic,

(b) any cause of action related to movable property, located in an area that is not controlled by the Government of Cyprus as a result of the Turkish invasion and has not been transferred to the free part of the territory of the Republic,

(c) any cause of action related to immovable or movable property is under guardianship pursuant to the Turkish Cypriot Properties (Administration and Other Matters) (Temporary Provisions) Act.

(d) any right of action in favour of or against a person who is missing as a consequence of the Turkish invasion.

Unaffected laws

24. The provisions of this Law shall not affect:

(a) specific deadlines relating to compensation under the provisions of the Defective Products (Liability) Law,

(b) the specific deadlines referred to in Article 58 of the Civil Wrongs Law,

(c) the specific deadlines referred to in Article 34 on Management Estate Properties Deceased Law,

(d) the specific deadlines referred to in the Sale of Property (Specific Performance) Law,

(e) specific time limits mentioned in any legal provision, if:

(i) is not included in the repealed provisions of Article 29, and

(ii) had not been suspended under the provisions of the Suspension of limitation period (Temporary Provisions) Law,

(f) the specific time periods referred to in Article 15 of the Regulation of the matrimonial property law.

Public law

25. This Law shall not apply and shall not affect rights or obligations under public Law.

Transitional provisions

26. No action shall be brought after December 31, 2015, if the basis of the action filed at any time before the date of entry into force of this Law, unless the time between the day on which they had completed the cause of action until December 31 2015 is smaller than under this Act limitation period for the actionable right, so the period of limitation, determined by this Law time.

Article 26 of the Basic Law, repealed from 1 January 2016.

28. This Law shall enter into force on 1 July 2012. This provision does not cancel and will not affect any rights given to the procedure under Article 26 suspension.

Laws repealed

29 .- (1) From the date of entry into force of this Act repealed the laws mentioned in the first column of the Annex and to the extent that in the second column of that Schedule.

(2) Subject to the provisions of Article 24 of this Law, regardless of the anticipated any special law for a limitation period in case of conflict prevails over the provisions of this Law.

ANNEX (Article 29)

Laws	Extent of repeal
The Limitation Law, Cap. 15	The entire law
The Civil Wrongs Law, Cap. 148	Article 68, but only in relation to an act or omission that occurred on or upon the entry into force of this Law
The suspension of the limitation period (Temporary Provisions) Act of 2002	The entire law
The Exchange Law, Cap. 262	Article 94
The Motor Vehicles (Third Party Liability Insurance) Laws of 2000 to 2010	Article 22
The Law on Compulsory Insurance Employers' Liability Laws of 1989-2011	Article 19