



**SUPPLEMENT No. 2**

TO

THE CYPRUS GAZETTE No. 3201 OF 27<sup>TH</sup> SEPTEMBER, 1945.

LEGISLATION.

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**THE STATUTE LAWS OF CYPRUS**

**No. 11 OF 1945.**

A LAW TO CONSOLIDATE AND AMEND THE PROVISIONS  
RELATING TO THE LIMITATION OF ACTIONS.

C. C. WOOLLEY,  
*Governor.*

[19<sup>th</sup> September, 1945.]

**B**E it enacted by His Excellency the Governor and  
Commander-in-Chief of the Colony of Cyprus as  
follows :—

1. This Law may be cited as the Limitation of Actions  
Law, 1945. Short title.

Interpretation.

2. In this Law, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say—

“ action ” means civil proceedings before any Court and includes arbitration proceedings ;

“ period of limitation ” means the several periods of limitation as prescribed by this Law.

Period of limitation.

3.—(1) Subject to the provisions of this Law, no action shall be brought upon, for or in respect of—

Bonds in customary form and mortgages.

(a) any bond in customary form or any mortgage, after the expiration of fifteen years from the date on which the cause of action accrued ;

Judgment.

(b) any judgment, after the expiration of fifteen years from the date on which judgment became enforceable ;

Claims to estate.

(c) any claim to the estate of a deceased person or to any share or interest therein, whether under a will or on intestacy, after the expiration of twelve years from the date when the claim to the estate or the right to receive the share or interest therein accrued ;

Advocates, etc.

(d) any remuneration, fee or charge of any advocate, medical practitioner, dentist, midwife or teacher, after the expiration of three years from the date on which the cause of action accrued ;

Goods sold and delivered, etc.

(e) any goods sold and delivered, shop bill, hotel bill, book debt, work and labour done, wages of artisans, labourers or servants, after the expiration of two years from the date on which the cause of action accrued.

(2) For the purposes of paragraph (a) of sub-section (1) of this section—

24 of 1930.

(a) “ bond in customary form ” means a bond as defined by section 78 of the Contract Law, 1930 ;

13 of 1890  
38 of 1944

(b) any proceedings taken under the provisions of the Sale of Mortgaged Property Laws, 1890 and 1944, shall be deemed to be an action.

Limitation of actions relating to Vakf property.

4.—(1) Save as in sub-section (2) hereof provided, no action in respect of, or relating to, any Vakf property shall be brought after the expiration of fifteen years from the date on which the cause of action accrued.

(2) No action in respect of the corpus of any Vakf property shall be brought after the expiration of thirty-six years from the date on which the cause of action accrued.

5. No action shall be brought upon, for, or in respect of, any cause of action not expressly provided for in this Law, or expressly exempted from the operation of this Law, after the expiration of six years from the date when such cause of action accrued.

Term in case of actions not otherwise provided for.

6.—(1) Where a right of action has accrued and the person liable or accountable therefor acknowledges the claim, the right shall be deemed to have accrued on and not before the date of the acknowledgment.

Acknowledgment.

(2) Every acknowledgment as in sub-section (1) hereof provided shall be in writing and signed by the person making the acknowledgment or his authorized agent.

7. Where, in the case of any action for which a period of limitation is prescribed by this Law—

Fraud or mistake.

(a) the right of action is concealed by the fraud of the defendant or his agent or of any person through whom he claims or his agent ;

(b) the action is for relief from the consequences of a mistake,

the period of limitation shall not begin to run until the plaintiff has discovered the fraud or mistake, as the case may be, or could, with reasonable diligence, have discovered it :

Provided that nothing in this section shall enable any action to be brought to recover, or enforce any charge against, or set aside any transaction affecting, any property which—

(i) in the case of fraud, has been purchased for valuable consideration by a person who was not a party to the fraud and did not at the time of the purchase know or have reason to believe that any fraud had been committed ; or

(ii) in the case of mistake, has been purchased for valuable consideration, subsequently to the transaction in which the mistake was made, by a person who did not know or have reason to believe that the mistake had been made.

8. In computing the period of limitation, any time during which the person against whom the period of limitation runs is under the age of eighteen or is of unsound mind or is prohibited from the management or administration of his affairs or is absent from the Colony, shall be excluded from such period.

Computation of period of limitation in certain cases.

Counter-  
claim.

9. For the purposes of this Law, any claim by way of counterclaim shall be deemed to be a separate action and to have been commenced on the same date as the action in which the counterclaim is pleaded.

Saving of  
other  
limitation  
Laws, etc.

10. Nothing in this Law shall—

- (a) enable any action to be brought which was barred before the commencement of this Law by an enactment repealed by this Law ;
- (b) affect any action commenced before the commencement of this Law or the title to any property which is the subject of any such action ;
- (c) affect any proceedings which, but for the provisions of this Law, could have been taken under the provisions of the Sale of Mortgaged Property Laws, 1890 and 1944, in respect of any mortgage effected before the commencement of this Law :  
 Provided that no such proceedings shall be taken after the expiration of two years from the commencement of this Law.
- (d) affect any provision in any other law relating to the limitation of any action under such law.

13 of 1890  
38 of 1944.

Repeal and  
saving.

11. Articles 1660 to 1675 of the Mejlle, both inclusive, are hereby repealed :

Provided that nothing in such repeal shall affect any action or remedy which, but for the provisions of this Law, could have been brought or enforced in respect of any cause of action accrued before the commencement of this Law :

Provided further that no such action or remedy shall be brought or enforced after the expiration of two years from the commencement of this Law.

R. E. TURNBULL,  
*Colonial Secretary.*

19th September, 1945.