

Foreign Limitation Periods Act 1984

Chapter 16

1 Application of foreign limitation law

- (1) Subject to the following provisions of this Act, where in any action or proceedings in a court in the Abu Dhabi Global Market the law of any other jurisdiction falls (in accordance with rules of private international law applicable by any such court) to be taken into account in the determination of any matter—
 - (a) the law of that other jurisdiction relating to limitation shall apply in respect of that matter for the purposes of the action or proceedings; and
 - (b) except where that matter falls within subsection (2) below, the law of the Abu Dhabi Global Market relating to limitation shall not so apply.
- (2) A matter falls within this subsection if it is a matter in the determination of which both the law of the Abu Dhabi Global Market and the law of some other jurisdiction fall to be taken into account.
- (3) The law of the Abu Dhabi Global Market shall determine for the purposes of any law applicable by virtue of subsection (1)(a) above whether, and the time at which, proceedings have been commenced in respect of any matter; and, accordingly, section 35 of the Limitation Act 1980 (new claims in pending proceedings) shall apply in relation to time limits applicable by virtue of subsection (1)(a) above as it applies in relation to time limits under that Act.
- (4) A court in the Abu Dhabi Global Market, in exercising in pursuance of subsection (1)(a) above any discretion conferred by the law of any other jurisdiction, shall so far as practicable exercise that discretion in the manner in which it is exercised in comparable cases by the courts of that other jurisdiction.
- (5) In this section “law”, in relation to any jurisdiction, shall not include rules of private international law applicable by the courts of that jurisdiction or, in the case of the Abu Dhabi Global Market, this Act.

2 Exceptions to section 1

- (1) In any case in which the application of section 1 above would to any extent conflict (whether under subsection (2) below or otherwise) with public policy, that section shall not apply to the extent that its application would so conflict.
- (2) The application of section 1 above in relation to any action or proceedings shall conflict with public policy to the extent that its application would cause undue hardship to a person who is, or might be made, a party to the action or proceedings.
- (3) Where, under a law applicable by virtue of section 1(1)(a) above for the purposes of any action or proceedings, a limitation period is or may be extended or interrupted in respect of the absence of a party to the action or proceedings from any specified jurisdiction or jurisdiction, so much of that law as provides for the extension or interruption shall be disregarded for those purposes.

3 Foreign judgments on limitation points

Where a court in any jurisdiction outside the Abu Dhabi Global Market has determined any matter wholly or partly by reference to the law of that or any other jurisdiction (including the Abu Dhabi Global Market) relating to limitation, then, for the purposes of the law relating to the effect to be given in the Abu Dhabi Global Market to that determination, that court shall, to the extent that it has so determined the matter, be deemed to have determined it on its merits.

4 Meaning of law relating to limitation

- (1) Subject to subsection (3) below, references in this Act to the law of any jurisdiction (including the Abu Dhabi Global Market) relating to limitation shall, in relation to any matter, be construed as references to so much of the relevant law of that jurisdiction as (in any manner) makes provision with respect to a limitation period applicable to the bringing of proceedings in respect of that matter in the courts of that jurisdiction and shall include—
 - (a) references to so much of that law as relates to, and to the effect of, the application, extension, reduction or interruption of that period; and
 - (b) a reference, where under that law there is no limitation period which is so applicable, to the rule that such proceedings may be brought within an indefinite period.
- (2) In subsection (1) above “relevant law”, in relation to any jurisdiction, means the procedural and substantive law applicable, apart from any rules of private international law, by the courts of that jurisdiction.
- (3) References in this Act to the law of the Abu Dhabi Global Market relating to limitation shall not include the rules by virtue of which a court may, in the exercise of any discretion, refuse equitable relief on the grounds of acquiescence or otherwise; but, in applying those rules to a case in relation to which the law of any jurisdiction outside the Abu Dhabi Global Market is applicable by virtue of section 1(1)(a) above (not being a law that provides for a limitation period that has expired), a court in the Abu Dhabi Global Market shall have regard, in particular, to the provisions of the law that is so applicable.

7 Short title, commencement, transitional provision and extent

- (1) This Act may be cited as the Foreign Limitation Periods Act 1984.