



BELIZE

**LIMITATION ACT
CHAPTER 170**

REVISED EDITION 2000
SHOWING THE LAW AS AT 31ST DECEMBER, 2000

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

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| Amendments in force as at 31st December, 2000. | |



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CHAPTER 170

LIMITATION

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CHAPTER 170

LIMITATION

Ch. 198.
R.L. 1958.
CAP. 132,
R.E., 1980-1990.
31 of 1985.
22 of 1987.
5 of 1992.

[31st December, 1953]

PART I

Preliminary

1. This Act may be cited as the Limitation Act.

Short title.

2.-(1) In this Act, unless the context otherwise requires-

Interpretation.

“action” includes any proceeding in a court of law;

“duty” includes any debt due to Her Majesty under any Act;

“foreshore” means the shore and bed of the sea and of any tidal water, below the line of the medium high tide between the spring tides and the neap tides;

“land” includes corporeal hereditaments and rentcharges, and any legal or equitable estate or interest therein, including an interest in the proceeds of the sale of land held upon trust for sale, but except as aforesaid, does not include any incorporeal hereditament;

“parent” means father or mother, step-father or step-mother, adopted father or adopted mother, grandfather or grandmother, whether any such relationship is legitimate or illegitimate;

“personal estate” and “personal property” do not include chattels real;

“rent” includes a rent charge and a rent service;

“rent charge” means any annuity or periodical sum of money charged upon or payable out of land, or a rent service or interest on a mortgage on land;

15 Geo. V, c.
18 (U.K.).

“settled land”, “statutory owner” and “tenant for life” have the same meanings respectively assigned to each of them in the Settled Land Act, 1925;

“ship” includes every description of vessel used in navigation not propelled by oars;

CAP. 202.

“trust” and “trustee” have the same meanings respectively assigned to each of them in the Trusts Act;

“trust for sale”, in relation to land, means an immediate binding trust for sale, whether or not exercisable at the request or with the consent of any person, and with or without a power at discretion to postpone the sale.

(2) For the purposes of this Act, a person shall be deemed to be under a disability while he is an infant, or of unsound mind.

(3) For the purposes of subsection (2), but without prejudice to the generality thereof, a person shall be conclusively presumed to be of unsound mind while he-

(a) is detained in pursuance of any enactment authorising the detention of persons of unsound mind or criminal persons of unsound mind; or

(b) is receiving treatment as a voluntary patient under any Act, being treatment which follows without any interval such detention as aforesaid.

(4) A person shall be deemed to claim through another person, if he became entitled by, through, under or by the act of that other person to the right claimed, and any person whose estate or interest might have been barred

by a person entitled to an entailed interest in possession shall be deemed to claim through the person so entitled:

Provided that a person becoming entitled to any estate or interest by virtue of a special power of appointment shall not be deemed to claim through the appointor.

(5) References in this Act to a right of action to recover land shall include references to a right to enter into possession of the land or, in the case of rentcharges, to distrain for arrears of rent, and references to the bringing of such an action shall include references to the making of such an entry or distress.

(6) In the case of rentcharges, references in this Act to the possession of land shall be construed as references to the receipt of the rent, and references to the date of dispossession or discontinuance of possession of land shall be construed as references to the date of the last receipt of rent.

(7) In Part III of this Act, references to a right of action shall include references to a cause of action and to a right to receive money secured by a mortgage or charge on any property and to apply for an order for sale to recover such money, and to a right to receive a share or interest in the personal estate of a deceased person, and references to the date of the accrual of a right of action shall-

- (a) in the case of an action for an account, be construed as references to the date on which the matter arose in respect of which an account is claimed;
- (b) in the case of an action upon a judgment, be construed as references to the date on which the judgment became enforceable;
- (c) in the case of action to recover arrears of rent, interest or

damages in respect thereof, be construed as references to the date on which the rent or interest became due.

PART II

Periods of Limitation for Different Classes of Actions

Part I to be subject to provisions of Part III relating to disability, acknowledgment, fraud, etc.

3. The provisions of this Part shall have effect subject to the provisions of Part III of this Act which provide for the extension of the periods of limitation in the case of disability, acknowledgment, part payment, fraud and mistake.

Actions of contract and tort and certain other actions

Limitation of actions of contract and tort, and certain other actions.

4. The following actions shall not be brought after the expiration of six years from the date on which the cause of action accrued-

- (a) actions founded on simple contract or on tort;
- (b) actions to enforce a recognisance;
- (c) actions to enforce an award, where the submission is not by an instrument under seal;
- (d) actions to recover any sum recoverable by virtue of any enactment, other than a penalty or forfeiture or sum by way of penalty or forfeiture.

Action for account.

5. An action for an account shall not be brought in respect of any matter which arose more than six years before the commencement of the action.

Action upon specialty.

6. An action upon a specialty shall not be brought after the expiration of twelve years from the date on which the cause of action accrued:

Provided that this section shall not affect any action for which a shorter period of limitation is prescribed by any other provision of this Act.

7. An action shall not be brought upon any judgment after the expiration of twelve years from the date on which the judgment became enforceable, and no arrears of interest in respect of any judgment debt shall be recovered after the expiration of six years from the date on which the interest became due.

Action upon judgment.

8. An action to recover any penalty or forfeiture, or sum by way of penalty or forfeiture, recoverable by virtue of any enactment shall not be brought after the expiration of two years from the date on which the cause of action accrued:

Action for recovery of penalty or forfeiture.

Provided that for the purposes of this section the expression “penalty” shall not include a fine to which any person is liable on conviction of a criminal offence.

9. Section 4 of this Act shall apply to an action to recover seamen’s wages, but except as aforesaid, nothing in the foregoing sections shall apply to any cause of action within the Admiralty jurisdiction of the Supreme Court which is enforceable *in rem*.

Action to recover seamen’s wages.

10. Nothing in sections 5 to 9 shall apply to any claim for specific performance of a contract or for an injunction or for other equitable relief, except in so far as any provision thereof may be applied by the court by analogy in like manner as the corresponding enactment repealed by this Act has heretofore been applied.

Action for specific performance, etc.

11.-(1) Where any cause of action in respect of the conversion or wrongful detention of a chattel has accrued to any person and, before he recovers possession of the chattel, a further conversion or wrongful detention takes place, no action shall be brought in respect of the further conversion or detention after the expiration of six years from the accrual of the cause of action in respect of the original conversion or detention.

Limitation in case of successive conversions and extinction of title of owner of converted goods.

(2) Where any such cause of action has accrued to any person and the period prescribed for bringing that action and for bringing any action in respect of such a further conversion or wrongful detention as mentioned in this section has expired and he has not during that period recovered possession of the chattel, the title of that person to the chattel shall be extinguished.

Actions to recover land and rent

Limitation of
actions to
recover land.

12.-(1) No action shall be brought by the Crown to recover any land after the expiration of thirty years from the date on which the right of action accrued to the Crown or, if it first accrued to some person through whom the Crown claims, to that person:

Provided that an action to recover foreshore may be brought by the Crown at any time before the expiration of sixty years from the date on which the right of action accrued to the Crown, and where any right of action to recover land, which has ceased to be foreshore but remains in the ownership of the Crown, accrued when the land was foreshore, the action may be brought at any time before the expiration of sixty years from the date of the accrual of the right of action, or of thirty years from the date when the land ceased to be foreshore, whichever period first expires.

(2) No action shall be brought by any other person to recover any land after the expiration of twelve years from the date on which the right of action accrued to him or, if it first accrued to some person through whom he claims, to that person:

Provided that, if the right of action first accrued to the Crown through whom the person bringing the action claims, the action may be brought at any time before the expiration of the period during which the action could have been brought by the Crown or of twelve years from the date on which the right of action accrued to some person other than the Crown, whichever period first expires.

13.-(1) Where the person bringing an action to recover land, or some person through whom he claims, has been in possession thereof, and has while entitled thereto been dispossessed or discontinued his possession, the right of action shall be deemed to have accrued on the date of the dispossession or discontinuance.

Accrual of right of action in case of present interest in land.

(2) Where any person brings an action to recover any land of a deceased person, whether under a will or on intestacy, and the deceased person was on the date of his death in possession of the land or, in the case of a rentcharge created by will or taking effect upon his death, in possession of the land charged, and was the last person entitled to the land to be in possession thereof, the right of action shall be deemed to have accrued on the date of his death.

(3) Where any person brings an action to recover land, being an estate or interest in possession assured otherwise than by will to him, or to some person through whom he claims, by a person who, at the date when the assurance took effect, was in possession of the land or, in the case of a rentcharge created by the assurance, in possession of the land charged, and no person has been in possession of the land by virtue of the assurance, the right of action shall be deemed to have accrued on the date when the assurance took effect.

14.-(1) Subject as hereafter provided in this section, the right of action to recover any land shall, in a case where the estate or interest claimed was an estate or interest in reversion or remainder or any other future estate or interest and no person has taken possession of the land by virtue of the estate or interest claimed, be deemed to have accrued on the date on which the estate or interest fell into possession by the determination of the preceding estate or interest.

Accrual of right of action in case of future interests.

(2) If the person entitled to the preceding estate or interest, not being a term of years absolute, was not in possession of the land on the date of the determination thereof, no action shall be brought by the person entitled to the succeeding estate or interest after the expiration of twelve years from the

date on which the right of action accrued to the person entitled to the preceding estate or interest, or six years from the date on which the right of action accrued to the person entitled to the succeeding estate or interest, whichever period last expires:

Provided that, where the Crown is entitled to the succeeding estate or interest, this subsection shall have effect with the substitution for the reference to twelve years of a reference to thirty years, and for the reference to six years of a reference to twelve years.

(3) Subsections (1) and (2) shall not apply to any estate or interest which falls into possession on the determination of an entailed interest and which might have been barred by the person entitled to the entailed interest.

(4) No person shall bring an action to recover any estate or interest in land under an assurance taking effect after the right of action to recover the land had accrued to the person by whom the assurance was made or some person through whom he claimed or some person entitled to a preceding estate or interest, unless the action is brought within the period during which the person by whom the assurance was made could have brought such an action.

(5) Where any person is entitled to any estate or interest in land in possession and, while so entitled, is also entitled to any future estate or interest in that land, and his right to recover the estate or interest in possession is barred under this Act, no action shall be brought by that person, or by any person claiming through him, in respect of the future estate or interest, unless in the meantime possession of the land has been recovered by a person entitled to an intermediate estate or interest.

Provisions in case of settled land and land held on trust.

15.-(1) Subject to section 25 (1), the provisions of this Act shall apply to equitable interests in land, including interests in the proceeds of the sale of land held upon trust for sale, in like manner as they apply to legal estates, and accordingly a right of action to recover the land shall, for the purposes of this

Act but not otherwise, be deemed to accrue to a person entitled in possession to such an equitable interest in the like manner and circumstances and on the same date as it would accrue if his interest were a legal estate in the land.

(2) Where the period prescribed by this Act has expired for the bringing of an action to recover land by a tenant for life or a statutory owner of settled land, his legal estate shall not be extinguished, if and so long as the right of action to recover the land of any person entitled to a beneficial interest in the land either has not accrued or has not been barred by this Act, and the legal estate shall accordingly remain vested in the tenant for life or statutory owner and shall devolve in accordance with the Settled Land Act 1925, but if and when every such right of action has been barred by this Act, the legal estate shall be extinguished.

1925, c. 18.

(3) Where any land is held upon trust including a trust for sale, and the period prescribed by this Act has expired for the bringing of an action to recover the land by the trustees, the estate of the trustees shall not be extinguished if and so long as the right of action to recover the land of any person entitled to a beneficial interest in the land or in the proceeds of sale either has not accrued or has not been barred by this Act, but if and when every such right of action has been so barred, the estate of the trustees shall be extinguished.

(4) Where any settled land is vested in a statutory owner or any land is held upon trust, including a trust for sale, an action to recover the land may be brought by the statutory owner or trustees on behalf of any person entitled to a beneficial interest in possession in the land or in the proceeds of sale whose right of action has not been barred by this Act, notwithstanding that the right of action of the statutory owner or trustees would apart from this provision have been barred by this Act.

(5) Where any settled land or any land held on trust for sale is in the possession of a person entitled to a beneficial interest in the land or in the proceeds of sale, not being a person solely and absolutely entitled thereto, no right of action to recover the land shall be deemed for the purposes of this Act

to accrue during such possession to any person in whom the land is vested as tenant for life, statutory owner or trustee, or to any other person entitled to a beneficial interest in the land or the proceeds of sale.

Accrual of right of action in case of forfeiture or breach of condition.

16. A right of action to recover land by virtue of a forfeiture or breach of condition shall be deemed to have accrued on the date on which the forfeiture was incurred or the condition broken:

Provided that, if such a right has accrued to a person entitled to an estate or interest in reversion or remainder and the land was not recovered by virtue thereof, the right of action to recover the land shall not be deemed to have accrued to that person until his estate or interest fell into possession, as if no such forfeiture or breach of condition had occurred.

Accrual of right of action in case of certain tenancies.

17.-(1) A tenancy at will shall, for the purposes of this Act, be deemed to be determined at the expiration of a period of one year from the commencement thereof, unless it has previously been determined, and accordingly the right of action of the person entitled to the land subject to the tenancy shall be deemed to have accrued on the date of such determination.

(2) A tenancy from year to year or other period, without a lease in writing, shall, for the purposes of this Act, be deemed to be determined at the expiration of the first year or other period, and accordingly the right of action of the person entitled to the land subject to the tenancy shall be deemed to have accrued at the date of such determination:

Provided that, where any rent has subsequently been received in respect of the tenancy, the right of action shall be deemed to have accrued on the date of the last receipt of rent.

(3) Where any person is in possession of land by virtue of a lease in writing by which a rent of not less than ten dollars is reserved, and the rent is received by some person wrongfully claiming to be entitled to the land in reversion immediately expectant on the determination of the lease, and no rent

is subsequently received by the person rightfully so entitled, the right of action of the last-named person to recover the land shall be deemed to have accrued at the date when the rent was first received by the person wrongfully claiming as mentioned in this subsection and not at the date of the determination of the lease.

(4) Subsections (1) and (3) shall not apply to any tenancy at will or lease granted by the Crown.

18.-(1) No right of action to recover land shall be deemed to accrue unless the land is in the possession of some person in whose favour the period of limitation can run (hereafter in this section referred to as “adverse possession”) and where under the foregoing provisions of this Act any such right of action is deemed to accrue on a certain date and no person is in adverse possession on that date, the right of action shall not be deemed to accrue unless and until adverse possession is taken of the land.

Right of action not to accrue or continue unless there is adverse possession.

(2) Where a right of action to recover land has accrued and thereafter, before the right is barred, the land ceases to be in adverse possession, the right of action shall no longer be deemed to have accrued and no fresh right of action shall be deemed to accrue unless and until the land is again taken into adverse possession.

(3) For the purposes of this section-

- (a) possession of any land subject to a rentcharge by a person (other than the person entitled to the rentcharge) who does not pay the rent shall be deemed to be adverse possession of the rentcharge; and
- (b) receipt of rent under a lease by a person wrongfully claiming, in accordance with section 17 (3), the land in reversion shall be deemed to be adverse possession of the land.

- Cure of defective disentailing assurance. 19. Where a person entitled in remainder to an entailed interest in any land has made an assurance thereof which fails to bar the issue in tail or the estates and interests taking effect on the determination of the entailed interest, or fails to bar the last-mentioned estates and interests only, and any person takes possession of the land by virtue of the assurance, and that person or any other person whatever, other than a person entitled to possession by virtue of the settlement, is in possession of the land for a period of twelve years from the commencement of the time at which the assurance, if it had then been executed by the person entitled to the entailed interest, would have operated, without the consent of any other person, to bar the issue in tail and such estates and interest then, at the expiration of that period, the assurance shall operate, and be deemed always to have operated, to bar the issue in tail and those estates and interests.
- No right of action to be preserved by formal entry or continual claim. 20. For the purposes of this Act, no person shall be deemed to have been in possession of any land by reason only of having made a formal entry thereon, and no continual or other claim upon or near any land shall preserve any right of action to recover the land.
- Administration to date back to death. 21. For the purposes of the provisions of this Act relating to actions for the recovery of land, an administrator of the estate of a deceased person shall be deemed to claim as if there had been no interval of time between the death of the deceased person and the grant of the letters of administration.
- Extinction of title after expiration of period. 22. Subject to the provisions of section 15 and of any law relating to the registration of land titles, at the expiration of the period prescribed by this Act for any person to bring an action to recover land, the title of that person to the land shall be extinguished.
- Limitation of actions to recover rent. 23. No action shall be brought, or distress made, to recover arrears of rent, or damages in respect thereof, after the expiration of six years from the date on which the arrears became due.

Actions to recover money secured by a mortgage or other charge

24.(1) No action shall be brought to recover any principal sum of money secured by a mortgage or other charge on property, whether real or personal, after the expiration of twelve years from the date when the right to receive the money accrued.

Limitation of actions to recover money secured by a mortgage or charge.

(2) No application for an order for sale of any mortgaged property shall be made to the court under the provision of any law relating to the sale of mortgaged property in respect of covenant broken after the expiration of twelve years from the date on which the right to an order for sale in respect of such broken covenant accrued.

(3) No action to recover arrears of interest payable in respect of any sum of money secured by a mortgage or other charge or to recover damages in respect of such arrears or to recover any other sum of money in the nature of interest payable under any mortgage shall be brought after the expiration of six years from the date on which the interest or other sum became due.

(4) This section shall not apply to any mortgage or charge on a ship.

Actions in respect of trust property or the personal estate ofdeceased persons

25.-(1) No period of limitation or prescription applies to an action brought against a trustee-

Limitation of actions in respect of trust property. 5 of 1992.

- (a) in respect of any fraud to which the trustee was a party or was privy; or
- (b) to recover from the trustee trust property or the proceeds thereof-

-
- (i) held by or vested in him or otherwise in his possession or under his control; or
 - (ii) previously received by him and converted to his use.
- (2) Subject to subsection (1), the period within which an action founded on breach of trust may be brought against a trustee is-
- (a) three years from delivery of the final accounts of the trusts; or
 - (b) three years from the date on which the plaintiff first has knowledge of the breach of trust,

whichever period first begins to run.

(3) Where the plaintiff is a minor or a person under legal disability, the period referred to in subsection (2) does not begin to run until his minority or disability, as the case may be, ceases.

(4) This section applies to any action for breach of trust where the breach is committed on or after the commencement date, and any other action where the action is commenced on or after the commencement date.¹

Limitation of actions claiming personal estate of a deceased person.

26. Subject to section 25 (1), no action in respect of any claim to the personal estate of a deceased person or to any share or interest in such estate, whether under a will or on intestacy, shall be brought after the expiration of twelve years from the date when the right to receive the share or interest accrued, and no action to recover arrears of interest in respect of any legacy,

¹The commencement date was 18 May, 1992, by virtue of status instrument 68 of 1992.

or damages in respect of such arrears, shall be brought after the expiration of six years from the date on which the interest became due.

Actions against public authorities

27.-(1) No action shall be brought against any person for any act done in pursuance, or execution, or intended execution of any Act or other law, or of any public duty or authority, or in respect of any neglect or default in the execution of any such Act or other law, duty or authority, unless it is commenced before the expiration of one year from the date on which the cause of action accrued:

Limitation of actions against public authorities.

Provided that where the act, neglect or default is a continuing one, no cause of action in respect thereof shall be deemed to have accrued, for the purposes of this subsection, until the act, neglect or default has ceased.

(2) This section shall not apply to any action to which the Public Authorities Protection Act does not apply, or to any criminal proceeding.

CAP. 31.

PART III

Extension of Limitation Periods in case of Disability, Acknowledgment and Part Payment, Fraud and Mistake
Disability

28. If on the date when any right of action accrued for which a period of limitation is prescribed by this Act, the person to whom it accrued was under a disability, the action may be brought at any time before the expiration of six years, or in case of actions to which section 27 applies, one year from the date when the person ceased to be under a disability or died, whichever event first occurred, notwithstanding that the period of limitation has expired:

Extension of limitation period in case of disability.

Provided that-

- (a) this section shall not affect any case where the right of action first accrued to some person, not under a disability, through whom the person under a disability claims;
- (b) when a right of action which has accrued to a person under a disability accrues, on the death of that person while still under a disability, to another person under a disability, no further extension of time shall be allowed by reason of the disability of the second person;
- (c) no action to recover land or money charged on land shall be brought by virtue of this section by any person after the expiration of thirty years from the date on which the right of action accrued to that person or some person through whom he claims;
- (d) this section, so far as it relates to the disability of infancy or unsoundness of mind, shall not apply to any action to which section 27 applies, unless the plaintiff proves that the person under a disability was not, at the time when the right of action accrued to him, in the custody of a parent; and
- (e) this section shall not apply to any action to recover a penalty or forfeiture, or sum by way thereof, by virtue of any enactment, except where the action is brought by an aggrieved party.

Acknowledgment and part payment

Fresh accrual of action on acknowledgment or part payment.

29-(1) Where there has accrued any right of action to recover land, or any right of a mortgagee to apply for an order for sale of the mortgaged property, and-

- (a) the person in possession of the land acknowledges the title of the person to whom the right of action has accrued; or
- (b) in the case of any action by a mortgagee to recover money under the mortgage deed, the person liable for the mortgage debt makes any payment in respect thereof, whether of principal or interest,

the right shall be deemed to have accrued on and not before the date of the acknowledgment or payment.

(2) Subsection (1) shall apply to a right of action to recover land accrued to a person entitled to an estate or interest taking effect on the determination of an entailed interest against whom time is running under section 19, and on the making of the acknowledgment that section shall cease to apply to the land.

(3) Where any right of action has accrued to recover any debt or other liquidated pecuniary claim, or any claim to the personal estate of a deceased person or to any share or interest therein, and the person liable or accountable therefor acknowledges the claim or makes any payment in respect thereof, the right shall be deemed to have accrued on and not before the date of the acknowledgment or the last payment:

Provided that a payment of a part of the rent or interest due at any time shall not extend the period for claiming the remainder then due, but any payment of interest shall be treated as a payment in respect of the principal debt.

30.-(1) Every such acknowledgment as mentioned in section 29 shall be in writing and signed by the person making the acknowledgment.

Formal provisions as to acknowledgments and part payments.

(2) Any such acknowledgment or payment may be made by the agent of the person by whom it is required to be made under section 29 and shall be made to the person, or to an agent of the person, whose title or claim is

being acknowledged or, as the case may be, in respect of whose claim the payment is being made.

Effect of acknowledgment or part payment on persons other than the maker or recipient.

31.-(1) An acknowledgment of the title to any land or mortgaged property by any person in possession thereof shall bind all other persons in possession during the ensuing period of limitation.

(2) A payment in respect of a mortgage debt by the mortgagor, or any person claiming under him, shall, so far as any right of the mortgagee to apply for an order for sale of the mortgaged property or otherwise to recover any sums secured by the mortgage, bind all other persons who claim the property through the mortgagor.

(3) An acknowledgment of any debt or other liquidated pecuniary claim shall bind the acknowledged or and his successors but not any other person:

Provided that an acknowledgment made after the expiration of the period of limitation prescribed for the bringing of an action to recover the debt or other claim shall not bind any successor on whom the liability devolves on the determination of a preceding estate or interest in property under a settlement taking effect before the date of the acknowledgment.

(4) A payment made in respect of any debt or other liquidated pecuniary claim shall bind all persons liable in respect thereof:

Provided that a payment made after the expiration of the period of limitation prescribed for the bringing of an action to recover the debt or other claim shall not bind any person other than the person making the payment and his successors, and shall not bind any successor on whom the liability devolves on the determination of a preceding estate or interest in property under a settlement taking effect before the date of the payment.

(5) An acknowledgement by one of several personal representa-

tives of any claim to the personal estate of a deceased person, or to any share or interest therein, or a payment by one of several personal representatives in respect of any such claim, shall bind the estate of the deceased person.

(6) In this section, the expression “successor”, in relation to any mortgagee or person liable in respect of any debt or claim, means his personal representatives and any other person on whom the rights under the mortgage or, as the case may be, the liability in respect of the debt or claim devolve, whether on death or bankruptcy or the disposition of property or the determination of a limited estate or interest in settled property or otherwise.

Fraud and Mistake

32. Where, in the case of any action for which a period of limitation is prescribed by this Act, either-

Postponement of limitation period in case of fraud or mistake.

- (a) the action is based upon the fraud of the defendant or his agent or of any person through whom he claims or his agent; or
- (b) the right of action is concealed by the fraud of any such person as aforesaid; or
- (c) 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 the 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.

PART III

General

Application of Act and other limitation enactments to arbitration.

33.-(1) This Act and any other enactment relating to the limitation of actions shall apply to arbitrations as they apply to actions in the Supreme Court.

(2) Notwithstanding any term in an arbitration agreement to the effect that no cause of action shall accrue in respect of any matter required by the agreement to be referred until an award is made under the agreement, the cause of action shall, for the purpose of this Act and of any other such enactment, whether in their application to arbitrations or to other proceedings, be deemed to have accrued in respect of any such matter at the time when it would have accrued but for that term in the agreement.

(3) For the purpose of this Act and of any other enactment as aforesaid, an arbitration shall be deemed to be commenced when one party to the arbitration serves on the other party or parties a notice requiring him or them to appoint an arbitrator or to agree to the appointment of an arbitrator, or, where the arbitration agreement provides that the reference shall be to a person named or designated in the agreement, requiring him or them to submit the dispute to the person so named or designated.

- (4) Any notice served under subsection (3) may be served either-
- (a) by delivering it to the person on whom it is to be served; or
 - (b) by leaving it at the usual or last known place of abode in Belize of that person; or
 - (c) by sending it by post in a registered letter addressed to that person at his usual or last known place of abode in Belize,

as well as in any other manner provided in the arbitration agreement.

(5) Where a notice is sent by post in the manner prescribed by paragraph (c) of subsection (4), service thereof shall, unless the contrary is proved, be deemed to have been effected at the time at which the letter would have been delivered in the ordinary course of post.

(6) Where the Supreme Court orders that an award be set aside or orders, after the commencement of an arbitration, that the arbitration shall cease to have effect with respect to the dispute referred, the court may further order that the period between the commencement of the arbitration and the date of the order of the court shall be excluded in computing the time prescribed by this Act or any such enactment as aforesaid for the commencement of proceedings, including arbitration, with respect to the dispute referred.

(7) This section shall apply to an arbitration under an Act as well as to an arbitration pursuant to an arbitration agreement, and subsections (3), (4) and (5) shall have effect, in relation to an arbitration under an Act, as if for the references to the arbitration agreement there were substituted references to such of the provisions of the Act or of any order, scheme, rules, regulations or by-laws made thereunder as relate to the arbitration.

(8) In this section, the expressions “arbitration”, “arbitration agree-

- CAP. 125. ment” and “award” have the same meanings as in the Arbitration Act.
- Provisions as to 34. For the purposes of this Act, any claim by way of set-off or counter-claim shall be deemed to be a separate action and to have been commenced on the same date as the action in which the set-off or counter-claim is pleaded.
- Acquiescence. 35. Nothing in this Act shall affect any equitable jurisdiction to refuse relief on the ground of acquiescence or otherwise.
- Application to the 36.-(1) Except as is in this Act otherwise expressly provided and without Crown. prejudice to the provisions of section 37, this Act shall apply to proceedings by or against the Crown in like manner as it applies to proceedings between subjects:
- Provided that this Act shall not apply to any proceedings by the Crown for the recovery of any tax or duty or interest thereon or to any forfeiture proceedings under the Customs Regulation Act or the Acts relating to duties of excise or to any proceedings in respect of the forfeiture of a ship.
- CAP. 49. (2) Nothing in this Act shall affect the prerogative right of Her Majesty, in right of the Crown, to any gold or silver mine.
- Saving for other 37. This Act shall not apply to any action or arbitration for which a period limitation enact- of limitation is prescribed by any other enactment, or to any action or arbitra- ments. tion to which the Crown is a party and for which, if it were between subjects, a period of limitation would be prescribed by any other enactment:
- Provided that section 27, which relates to actions against public authorities, shall apply to any action for which a longer period of limitation is prescribed by any such other enactment.

38. Nothing in this Act shall-

- (a) enable any action to be brought which was barred before the commencement of this Act, by an enactment repealed by this Act, except in so far as the cause of action or right of action may be revived by an acknowledgment or part payment made in accordance with the provisions of this Act; or
- (b) affect any action or arbitration commenced before the commencement of this Act or the title to any property which is the subject of any such action or arbitration.

Provisions as to actions already barred and pending actions.

39.-(1) An action shall not be brought to recover any sum due to a cooperative society registered under the Co-operative Societies Act, or a Friendly Society established under the Friendly Societies Act or a Credit Union incorporated under the Credit Unions Act or any similar benevolent Organisation after a period of fourteen years from the date the sum was due.

Actions by certain societies or organisations.
31 of 1985.
Ch. 313.
Ch. 317.
Ch. 314.

(2) The Attorney-General may by Order publish in the *Gazette* declare either individually or by class any organisation to be a benevolent Organisation for the purpose of this section.