

A quick guide to Limitation Periods in the BVI

GUIDE

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Limitation periods in the BVI are imposed by statute, namely the Limitation Ordinance 1961 (the **Law**). The Law prescribes time limits within which a claimant must commence proceedings. There are different limitation periods for different types of claims.

The basic time limits for various claims are set out in Part II of the Law; however, Part III of the Law contains exclusions and extensions to the ordinary time limits, for example, in cases of fraud or mistake. Thus, when considering whether to commence any type of claim, it is advisable to obtain legal advice as to when any relevant limitation period started to run and whether it has expired. If a claim is not brought in time, the defendant(s) will be able to plead limitation, which, if established, will provide a complete defence to the claim.

The basic limitation periods for some of the most common types of claims are detailed below:

Type of Action	Limitation Period	Limitation Period Trigger	Relevant Section of Limitation Law
Tort	6 years	Date cause of action accrued (normally date when damage was suffered)	section 4(1)
Contract	6 years	Date cause of action accrued (normally the date of the breach)	section 4(1)(a)
Action to enforce an award, where submission not by an instrument under seal	6 years	Date cause of action accrued (normally the date of the award)	section 4(1)(c)
Action for a sum recoverable under any act	6 years	Date cause of action accrued	section 4(1)(d)
Specialty (written instrument under seal or deed)	12 years	Date cause of action accrued (normally the date of the breach)	section 4(3)
Enforcement of judgments	12 years	Date judgment became enforceable	section 4(4)
Arrears of interest in respect of any judgment debt	6 years	Date interest became due	section 4(4)
Action to recover a penalty or forfeiture under an act	2 years	Date cause of action accrued	section 4(5)
Claims for recovery of land brought by the Crown	30 years	Date when the right of action accrued	section 6(1)

Claims for recovery of the land	12 years	Date when the right of action accrued	section 6(3)
Action of recovery of rent arrears	6 years	Date when the arrears became due	section 17
Action for recovery of principal secured by a mortgage or charge on property, or to recover sale proceeds of land	12 years	Date when the right to receive the money accrued	section 18
Action by a beneficiary under a trust in respect of trustee's fraud or trustee's conversion of property	No limitation period	Not applicable	section 19(1)
Any other action by a beneficiary to recover trust property or in respect of any breach of trust	6 years	Date when the right of action accrued	section 19(2)

Contacts

To find out more, please get in touch with your usual Mourant contact, or alternatively, a full list of contacts specialising in BVI litigation can be found [here](#).