

A quick guide to Limitation Periods in the Cayman Islands

GUIDE

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Limitation periods in the Cayman Islands are imposed by statute, namely the Limitation Law (1996 Revision) (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, eg, in cases of fraud, concealment and/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 (excluding libel & slander)	6 years	Date cause of action accrued (normally date when damage was suffered)	section 4(1)
Libel and/or slander	3 years	Date cause of action accrued (normally date when damage was suffered)	section 4(2)
Contract	6 years	Date cause of action accrued (normally the date of the breach)	section 7
Certain 'open-ended' loans	6 years	Date of written demand for payment	section 8(3)
Any type of award, where submission not by an instrument under seal	6 years	Date cause of action accrued (normally the date of the award) ¹	section 9
Specialty (written instrument under seal or deed)	12 years	Date cause of action accrued (normally the date of the breach)	section 10
Action for a sum recoverable under a legislative instrument	6 years	Date cause of action accrued	section 11

¹ NB, pursuant to section 72(1) of the Arbitration Law (2012 Revision), an award made by an arbitral tribunal pursuant to an arbitration agreement may, with leave of the court, be enforced in the same manner as a judgment or order of the court to the same effect

Type of Action	Limitation Period	Limitation Period Trigger	Relevant Section of Limitation Law
Recovery of contribution under section 6 of the Torts (Reform) Law (1996 Revision)	2 years	Date right to recover accrued: (i) the date on which the relevant judgment was given; (ii) the date of the award; or (iii) the date of the settlement	sections 12(1) – (4)
Personal Injury (claim by victim)	3 years	Later of: (i) date of damage; or (ii) date of victim's knowledge	section 13(4)
Personal Injury (claim by estate (section 13(5) and/ or beneficiary (section 16(2)))	3 years	(i) Date of death; or (ii) date of the personal representative's/beneficiary's knowledge	sections 13(5) and 16(2)
Negligence 'latent damage' cases	The later of: 6 years; or	Date cause of action accrued	section 14(3)(a)
	3 years	If later than the period mentioned above, the earliest date the claimant had both the knowledge required for bringing an action for damages and a right to bring such action	sections 14(3)(b) and 14(4)
Claims for recovery of land	12 years	Date when the right of action accrued	section 19(1)
Claims for recovery of land against the Crown	30 years	Date when the right of action accrued	section 21(1)
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 27(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 27(3)
Enforcement of judgments	6 years	Date judgment became enforceable	section 30(1)
Interest in respect of any judgment	6 years	Date interest became due	section 30(2)

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