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*Number 13 of 2000*

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**STATUTE OF LIMITATIONS (AMENDMENT) ACT, 2000**

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ARRANGEMENT OF SECTIONS

Section

1. Short title, construction and collective citation.
  2. Amendment of Statute of Limitations, 1957.
  3. Saver in relation to court's power to dismiss on ground of delay.
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[No. 13.] *Statute of Limitations (Amendment)* [2000.]  
*Act, 2000.*

Acts Referred to

Age of Majority Act, 1985

1985, No. 2

Statute of Limitations, 1957

1957, No. 6

Statutes of Limitation, 1957 and 1991



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**STATUTE OF LIMITATIONS (AMENDMENT) ACT, 2000**

AN ACT TO PROVIDE THAT CERTAIN PERSONS SHALL BE UNDER A DISABILITY FOR THE PURPOSE OF BRINGING ACTIONS RELATING TO ACTS OF SEXUAL ABUSE COMMITTED AGAINST THEM PRIOR TO THEIR REACHING FULL AGE, FOR THAT PURPOSE TO AMEND THE STATUTE OF LIMITATIONS, 1957, AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH.  
[21st June, 2000]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

**1.—(1)** This Act may be cited as the Statute of Limitations (Amendment) Act, 2000.

Short title,  
construction and  
collective citation.

(2) The Statutes of Limitation, 1957 and 1991, and this Act may be cited as the Statutes of Limitations and shall be construed together as one Act.

**2.—**The Statute of Limitations, 1957, is hereby amended by the insertion of the following section after section 48:

Amendment of  
Statute of  
Limitations, 1957.

“Disability of certain persons for purpose of bringing certain actions arising out of acts of sexual abuse.

**48A.—(1)** A person shall, for the purpose of bringing an action—

- (a) founded on tort in respect of an act of sexual abuse committed against him or her at a time when he or she had not yet reached full age, or
- (b) against a person (other than the person who committed that act), claiming damages for negligence or breach of duty where the damages claimed consist of or include damages in respect of personal injuries caused by such act,

be under a disability while he or she is suffering from any psychological injury that—

- (i) is caused, in whole or in part, by that act, or any other act, of the person who committed the first-mentioned act, and

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(ii) is of such significance that his or her will, or his or her ability to make a reasoned decision, to bring such action is substantially impaired.

(2) This section applies to actions referred to in subsection (1) whether the cause of action concerned accrued before or after the passing of the *Statute of Limitations (Amendment) Act, 2000*, including actions pending at such passing.

(3) An action referred to in subsection (1), that but for this subsection could not, by virtue of this Act, be brought, may be brought not later than one year after the passing of the *Statute of Limitations (Amendment) Act, 2000*, provided that, after the expiration of the period within which such action could by virtue of this Act have been brought, but prior to 30 March, 2000—

(a) the person bringing the action obtained professional legal advice that caused him or her to believe that the action could not, by virtue of this Act, be brought, or

(b) a complaint to the Garda Síochána was made by or on behalf of such person in respect of the act to which the action relates.

(4) Subsection (3) shall not apply to an action referred to in subsection (1) where final judgment has been given in respect of the action.

(5) This section is in addition to and not in substitution for section 48 of this Act.

(6) For the purposes of this section, a judgment shall be deemed to be a final judgment where—

(a) the time within which an appeal against the judgment may be brought has expired and no such appeal has been brought,

(b) there is no provision for an appeal from such judgment, or

(c) an appeal against the judgment has been withdrawn.

(7) In this section—

‘an act of sexual abuse’ includes—

(a) any act of causing, inducing or coercing a person to participate in any sexual activity,

(b) any act of causing, inducing or coercing the person to observe any other person engaging in any sexual activity, or

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- (c) any act committed against, or in the presence of, a person that any reasonable person would, in all the circumstances, regard as misconduct of a sexual nature: S.2

Provided that the doing or commission of the act concerned is recognised by law as giving rise to a cause of action;

‘full age’ means—

- (a) in relation to a person against whom an act of sexual abuse was committed before the commencement of the Age of Majority Act, 1985, 21 years, and
- (b) in relation to a person against whom an act of sexual abuse was committed after such commencement, full age within the meaning of that Act;

‘professional legal advice’ means advice given by a practising barrister or solicitor in circumstances where the person to whom the advice was given sought such advice for the purpose of bringing or prosecuting an action to which subsection (1) applies, whether such an action was brought or not.”.

**3.**—Nothing in section 48A of the Statute of Limitations, 1957 (inserted by *section 2* of this Act), shall be construed as affecting any power of a court to dismiss an action on the ground of there being such delay between the accrual of the cause of action and the bringing of the action as, in the interests of justice, would warrant its dismissal.

Saver in relation to court’s power to dismiss on ground of delay.