

CHOICE OF LAW (LIMITATION PERIODS) ACT 1993 No. 94

NEW SOUTH WALES



TABLE. OF PROVISIONS

1. Short title
 2. Commencement
 3. Definitions
 4. Application
 5. Characterisation of limitation laws
 6. Exercise of discretion under limitation law
 7. Application to New Zealand
 8. Review of Act
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CHOICE OF LAW (LIMITATION PERIODS) ACT 1993 No. 94

NEW SOUTH WALES



Act No. 94, 1993

An Act relating to limitation periods for choice of law purposes.
[Assented to 30 November 1993]

See also Limitation (Amendment) Act 1993.

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Choice of Law (Limitation Periods) Act 1993.

Commencement

2. This Act commences on a day to be appointed by proclamation.

Definitions

3. In this Act:

“**court**” includes arbitrator;

“**limitation law**” means a law that provides for the limitation or exclusion of any liability or the barring of a right of action in respect of a claim by reference to the time when a proceeding on, or the arbitration of, the claim is commenced.

Application

4. This Act extends to a cause of action that arose before the commencement of this Act, but does not apply to proceedings instituted before the commencement of this Act.

Characterisation of limitation laws

5. If the substantive law of a place, being another State, a Territory or New Zealand, is to govern a claim before a court of the State, a limitation law of that place is to be regarded as part of that substantive law and applied accordingly by the court.

Exercise of discretion under limitation law

6. If a court of the State exercises a discretion conferred under a limitation law of a place, being another State, a Territory or New Zealand, that discretion, as far as practicable, is to be exercised in the manner in which it is exercised in comparable cases by the courts of that place.

Application to New Zealand

7. (1) This Act does not apply in relation to New Zealand until it is declared by proclamation that it does so apply. The proclamation may be the proclamation commencing this Act or another proclamation.

Choice of Law (Limitation Periods) Act 1993 No. 94

(2) If the substantive law of New Zealand is to govern a claim before a court of the State and proceedings have been instituted on the claim before that declaration takes effect, this Act does not apply to those proceedings. This subsection has effect despite section 4.

Review of Act

8. (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.

(2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.

(3) A report of the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

*[Minister's second reading speech made in—
Legislative Assembly on 17 November 1993
Legislative Council on 19 November 1993]*