

LIMITATION (AMENDMENT) ACT, 1977

New South Wales



ANNO VICESIMO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 11, 1977.

**An Act to amend the Limitation Act, 1969. [Assented to,
17th March, 1977.]**

BE

Limitation (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Limitation (Amendment) Act, 1977". Short title.

2. The Limitation Act, 1969, is amended—

Amendment
of Act No.
31, 1969.

(a) by omitting from the matter relating to Division 1 of Part IV in section 3 the matter "68" and by inserting instead the matter "68A"; Sec. 3.
(Division.)

(b) by inserting at the end of section 65 the following subsection :— Sec. 65.
(Property.)

(3) This section does not apply where the cause of action is for conversion or detention of goods and, before the expiration of the limitation period fixed by or under this Act for the cause of action, the person having the cause of action recovers possession of the goods.

(c) by inserting after section 68 the following section :— Sec. 68A.

68A. (1) Where in proceedings before a judicial tribunal a question arises as to extinction under this Division of a right or title, a party to the proceedings shall not have the benefit in those

proceedings

Limitation (Amendment).

proceedings of any such extinction of that right or title unless, as part of the proceedings, he has pleaded or otherwise appropriately claimed in accordance with the procedures of the tribunal that the right or title has been so extinguished.

(2) In subsection (1), a reference to proceedings before a judicial tribunal is a reference to proceedings before a court or person authorised by law or by agreement to bind the parties to the proceedings by a decision on a question arising in the proceedings as to whether or not a right or title has been extinguished under this Division.
