

Choice of Law (Limitation Periods) Act 1993 No 94

[1993-94]



New South Wales

Status Information

Currency of version

Current version for 8 January 2010 to date (accessed 22 May 2024 at 9:50)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Choice of Law (Limitation Periods) Act 1993 No 94



New South Wales

An Act relating to limitation periods for choice of law purposes.

1 Name of Act

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

2 Commencement

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

3 Definitions

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.

4 Application

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.

5 Characterisation of limitation laws

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.

6 Exercise of discretion under limitation law

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.

7 Application to New Zealand

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

8 Review of Act

- (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.