



# **Choice of Law (Limitation Periods) Act 1996**

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Queensland

# Choice of Law (Limitation Periods) Act 1996

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# Choice of Law (Limitation Periods) Act 1996

## An Act about limitation periods for choice of law purposes

### 1 Short title

This Act may be cited as the *Choice of Law (Limitation Periods) Act 1996*.

### 2 Commencement

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

### 3 Application

- (1) This Act applies to a cause of action that arose before the commencement of this Act but does not apply to a proceeding started before the commencement.
- (2) This Act does not apply to New Zealand until it is declared under a regulation to apply.
- (3) If—
  - (a) the substantive law of New Zealand is to govern a claim before a court of the State; and
  - (b) a proceeding on the claim is started before the declaration takes effect;this Act does not apply to the proceeding.

### 4 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 for

a claim by reference to the time when a proceeding on, or the arbitration of, the claim is started.

*relevant place* means another State, a Territory or New Zealand.

## **5 Characterisation of limitation laws**

If the substantive law of a relevant place is to govern a claim before a court of the State, a limitation law of the relevant 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 relevant place, the discretion, as far as practicable, is to be exercised in the way in which it is exercised in comparable cases by the courts of the relevant place.

## **7 Regulation-making power**

The Governor in Council may make regulations under this Act.