

**LAWS OF DOMINICA**

**REAL PROPERTY LIMITATION ACT**

**CHAPTER 54:07**

**Act  
11 of 1877**

**Current Authorised Pages**

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**Note  
on  
Subsidiary Legislation**

**This Chapter contains no Subsidiary Legislation.**

**CHAPTER 54:07****REAL PROPERTY LIMITATION ACT****ARRANGEMENT OF SECTIONS**

## SECTION

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10. Act to be read with 3 and 4 Wm. 4, ch. 27, of which certain parts are repealed.  
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CHAPTER 54:07

REAL PROPERTY LIMITATION ACT

1961 Ed.  
Cap. 16.  
II of 1877.

**AN ACT relating to the limitations of action with respect to real property.**

Commencement.

[1st January 1883]

Short title.

1. This Act may be cited as the –

**REAL PROPERTY LIMITATION ACT.**

No land or rent to be recovered but within twelve years after right of action accrued.

2. After the commencement of this Act, no person shall make an entry or distress, or bring an action or suit, to recover any land or rent, but within twelve years next after the time at which the right to make the entry or distress, or to bring the action or suit, has first accrued to some person through whom he claims; or, if the right has not accrued to any person through whom he claims, then within twelve years next after the time at which the right to make the entry or distress, or to bring the action or suit, has first accrued to the person making or bringing the same.

Provision for case of future estates.

3. A right to make an entry or distress, or to bring an action or suit, to recover any land or rent, shall be deemed to have first accrued in respect of an estate or interest in reversion or remainder, or other future estate or interest, at the time at which the same has become an estate or interest in possession, by the determination of any estate or estates in respect of which the land has been held, or the profits thereof or the rent has been received, notwithstanding the person claiming the land or rent, or some person through whom he claims, has, at any time previously to the creation of the estate or estates which has determined, been in the possession or receipt of the profits of the land or in receipt of the rent; but if the person last entitled to any particular estate on which any future estate or interest was expectant has not been in the possession or receipt of the profits of the land, or in receipt of the rent, at the time when his interest determined, no such entry or distress shall be made, and no such action or suit shall be brought, by any person becoming entitled in possession to a future estate or interest, but within twelve years next after the time when the right to make an entry or distress, or to bring an action or suit, for the recovery of the land or rent, has first accrued to the person whose interest has so determined, or within six years next after the time when the estate of the person becoming entitled in possession

Time limited to six years when person entitled to the particular estate out of possession, etc.

has become vested in possession, whichever of those two periods is the longer; and, if the right of any such person to make the entry or distress, or to bring any such action or suit, has been barred under this Act, no person afterwards claiming to be entitled to the same land or rent in respect of any subsequent estate or interest under any deed, will or settlement executed or taking effect after the time when a right to make an entry or distress, or to bring an action or suit, for the recovery of the land or rent, has first accrued to the owner of the particular estate whose interest has first so determined as aforesaid, shall make any such entry or distress, or bring any such action or suit, to recover the land or rent.

4. If, at the time at which the right of any person to make an entry or distress, or to bring an action or suit, to recover any land or rent, has first accrued as aforesaid, the person has been under any of the disabilities hereinafter mentioned (that is to say), infancy, coverture, idiocy, lunacy, or unsoundness of mind, then that person, or the person claiming through him, may, notwithstanding the period of twelve years or six years (as the case may be) hereinbefore limited has expired, make an entry or distress, or bring an action or suit, to recover the land or rent, at any time within six years next after the time at which the person to whom the right has first accrued has ceased to be under any such disability, or has died (whichever of those two events has first happened).

In cases of infancy, coverture, or lunacy at the time right of action accrues, then six years to be allowed from the termination of disability or previous death.

5. The time within which any such entry may be made, or any such action or suit may be brought as aforesaid, shall not in any case after the commencement of this Act be extended or enlarged by reason of the absence beyond seas, during all or any part of that time, of the person having the right to make such entry, or to bring such action or suit, or of any person through whom he claims.

No time to be allowed for absence beyond seas.

6. No entry, distress, action or suit shall be made or brought by any person, who, at the time when his right to make an entry or distress, or to bring an action or suit, to recover any land or rent, has first accrued, is under any of the disabilities hereinbefore mentioned, or by any person claiming through him, but within thirty years next after the time at which the right has first accrued, although the person under disability at the time may have remained under one or more of such disabilities during the whole of the thirty years, or although the term of six years from the time at which he has ceased to be under any such disability, or has died, has not expired.

Thirty years utmost allowance for disabilities.

In case of possession under an assurance by a tenant in tail which shall not bar the reminders, they shall be barred at the end of twelve years after that period, at which the assurance, if then executed, would have barred them.

7. When a tenant in tail of any land or rent has made an assurance thereof, which does not operate to bar the estate or estates to take effect after, or in defeasance of, his estate tail, and any person is by virtue of such assurance, at the time of the execution thereof, or at any time afterwards, is in possession or receipt of the profits of the land, or in receipt of the rent, and the same person or any other person whosoever (other than some person entitled to such possession or receipt in respect of an estate which has taken effect after or in defeasance of the estate tail) continues or is in such possession or receipt for the period of twelve years next after the commencement of the time at which the assurance, if it had then been executed by the tenant in tail, or the person who would have been entitled to his estate tail if the assurance had not been executed, would, without the consent of any other person, have operated to bar the estate or estates as aforesaid, then, at the expiration of the period of twelve years, the assurance shall be, and be deemed to have been, effectual as against any person claiming any estate, interest or right to take effect after or in defeasance of the estate tail.

Mortgagor to be barred at end of twelve years from the time when the mortgagee took possession, or from the last written acknowledgment.

8. When a mortgagee has obtained the possession or receipt of the profits of any land, or the receipt of any rent comprised in his mortgage, the mortgagor, or any person claiming through him, shall not bring any action or suit to redeem the mortgage but within twelve years next after the time at which the mortgagee obtained such possession or receipt, unless, in the meantime, an acknowledgment in writing of the title of the mortgagor, or of his right to redemption, has been given to the mortgagor or some person claiming his estate, or to the agent of the mortgagor or person, signed by the mortgagee or the person claiming through him; and in such case no such action or suit shall be brought but within twelve years next after the time at which the acknowledgment, or the last of the acknowledgments, if more than one, was given; and, when there is more than one mortgagor, or more than one person claiming through the mortgagor or mortgagors, the acknowledgment, if given to any of such mortgagors or persons, or his or their agent, shall be as effectual as if the same had been given to all such mortgagors or persons; but, where there is more than one mortgagee, or more than one person claiming the estate or interest of the mortgagee or mortgagees, the acknowledgment, signed by one or more of such mortgagees or persons, shall be effectual only as against the party or parties signing as aforesaid, and the person or persons claiming any part of the mortgage money or land or rent by, from, or under him or them, and any person or persons entitled to any estate or estates, interest or interests, to take

effect after or in defeasance of his or their estate or estates, interest or interests, and shall not operate to give to the mortgagor or mortgagors a right to redeem the mortgage as against the person or persons entitled to any other undivided or divided part of the money or land or rent; and, where such of the mortgagees or persons aforesaid as have given such acknowledgment are entitled to a divided part of the land or rent comprised in the mortgage, or some estate or interest therein, and not to any ascertained part of the mortgage money, the mortgagor or mortgagors shall be entitled to redeem the same divided part of the land or rent on payment, with interest, of the part of the mortgage money which bears the same proportion to the whole of the mortgage money as the value of the divided part of the land or rent bears to the value of the whole of the land or rent comprised in the mortgage.

9. No action or suit or other proceeding shall be brought to recover any sum of money secured by any mortgage, judgment or lien, or otherwise charged upon or payable out of any land or rent at law or in equity, or any legacy, but within twelve years next after a present right to receive the same has accrued to some person capable of giving a discharge for or release of the same, unless, in the meantime, some part of the principal money, or some interest thereon, has been paid, or some acknowledgment of the right thereto has been given in writing, signed by the person by whom the same is payable, or his agent, to the person entitled thereto, or his agent; and in such case no such action or suit or proceeding shall be brought but within twelve years after the payment or acknowledgment or the last of the payments or acknowledgments, if more than one, was given.

Money charged upon land and legacies to be deemed satisfied at the end of twelve years, if no interest paid or acknowledgment given in writing in the meantime.

10. From and after the commencement of this Act, all the provisions of the United Kingdom Act passed in the session of the third and fourth years of the reign of King William the Fourth, chapter twenty-seven, except those contained in the several sections thereof next hereinafter mentioned, shall be in full force in the State, and shall be construed together with this Act, and shall take effect as if the provisions hereinbefore contained were substituted in that Act for the provisions contained in the sections thereof numbered two, five, sixteen, seventeen, twenty-three, twenty-eight and forty respectively, and as if the term of six years had been mentioned, instead of the term of ten years, in the section of the said Act numbered eighteen, and the period of twelve years had been mentioned in the said section eighteen instead of the period of twenty years; and the provisions of the

Act to be read with 3 and 4 Wm. 4, ch. 27, of which certain parts are repealed.

7 Wm. 4 and 1  
Vict., ch. 28, to  
be read with this  
Act.

United Kingdom Act passed in the session of the seventh year of the reign of King William the Fourth and the first year of the reign of Queen Victoria, chapter twenty-eight, shall hereafter be deemed to be in force in the State, and shall be construed together with this Act, as if the period of twelve years had been therein mentioned instead of the period of twenty years.

Time for  
recovering  
charges and  
arrears of interest  
not to be  
enlarged by  
express trusts for  
raising same.

11. After the commencement of this Act, no action or other proceeding shall be brought to recover any sum of money or legacy charged upon or payable out of any land or rent at law or in equity, and secured by an express trust, or to recover any arrears of rent or of interest in respect of any sum of money or legacy so charged or payable, and so secured, or any damages in respect of such arrears, except within the time within which the same would be recoverable if there were not any such trust.

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