

CANADIAN BULLETIN

REF: AD-15-009

DATE 2015-09-01

RECIPIENT All Stakeholders writing business in Nova Scotia

SUBJECT **Nova Scotia Bill 64 – *An Act Respecting the Limitation of Actions***

<i>Purpose:</i>	To inform stakeholders of the new Limitation of Actions Act
<i>Affects:</i>	All stakeholders writing business in Nova Scotia
<i>Line of Business:</i>	All
<i>Jurisdiction :</i>	Nova Scotia
<i>Effective:</i>	September 1, 2015

What you need to know?

On November 20, 2014, the new Nova Scotia *Limitation of Actions Act* – the legislation that determines the time limit within which a lawsuit must be started in relation to a Nova Scotia claim – received Royal Assent. This new law repeals the current *Limitation of Actions Act* and will take effect on September 1, 2015.

What's changed?

This new Act changes a number of time periods within which an action may be filed for certain civil claims in Nova Scotia. It also simplifies the legislation and is more consistent with similar laws adopted by other provinces such as Alberta, British Columbia, Ontario and New Brunswick.

The new legislation may be viewed [here](#). Some key changes include:

- Consolidation of multiple limitation periods
- Adoption of a basic limitation period of two years
- Introduction of an ultimate limitation period of 15 years
- New definition of “discoverability”

This legislation also sets out certain transition provisions for new claims. Where a claim is discovered before September 1, 2015, the claim may not be brought after the earlier of:

- two years from September 1, 2015; or
- the expiration date of the old limitation period.

There are some exceptions, key exceptions being: the limitation periods do not apply while a claimant is a minor, or incapable because of a physical, mental or psychological condition; or to certain government claims by the province; or to claims relative to interests in land.

What does this mean to you?

Please ensure that you are fully compliant with this Act and that your legal counsel and claims adjusters are made aware of the new legislation.

Please contact info@lloyds.ca with any questions you may have.

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