

CHAPTER 290**THE LIMITATION ACT****Arrangement of Sections****Section****PART I—INTERPRETATION**

1. Interpretation

**PART II—PERIODS OF LIMITATION FOR DIFFERENT CLASSES
OF ACTIONS**

2. Part II to be subject to provisions of Part III relating to disability, acknowledgment, fraud, etc.

Actions of contract and tort and certain other actions

3. Limitation of actions of contract and tort and certain other actions
4. Limitation in case of successive conversions and extinction of title of owner of converted goods

Actions to recover land and rents

5. Limitation of actions to recover land
6. Accrual of right of action in case of present interests in land
7. Accrual of right of action in case of future interests
8. Provisions in case of settled land and land held on trust
9. Accrual of right of action in case of forfeiture or breach of condition
10. Accrual of right of action in case of certain tenancies
11. Right of action not to accrue or continue unless there is adverse possession
12. Cure of defective disentailing assurance
13. Limitation of redemption actions
14. No right of action to be preserved by formal entry or continual claim
15. Administration to date back to death
16. Extinction of title after expiration of period

17. Limitation of action to recover rent

Actions to recover money secured by mortgage or charge or to recover proceeds of sale of land

18. Limitation of actions to recover money secured by mortgage or charge or to recover proceeds of sale of land

Actions in respect of trust property or personal estate of deceased persons

19. Limitation of actions in respect of trust property
20. Limitation of actions claiming personal estate of deceased person

PART III—EXTENSION OF LIMITATION PERIODS IN CASE OF DISABILITY, ACKNOWLEDGMENT, PART PAYMENT, FRAUD AND MISTAKE

Disability

21. Extension of limitation period in case of disability

Acknowledgment and part payment

22. Fresh accrual of action on acknowledgment or part payment
23. Formal provisions as to acknowledgments and part payments
24. Effect of acknowledgment or part payment on persons other than the maker or recipient

Fraud and mistake

25. Postponement of limitation period in case of fraud or mistake

PART IV—GENERAL

26. Application of Act and other limitation enactments to arbitrations
27. Provisions as to setoff or counterclaim
28. Acquiescence
29. Application of Act to registered land
30. Application of Act to proceedings by or against Government

31. Miscellaneous savings
32. Saving for other limitation enactments

CHAPTER 290**THE LIMITATION ACT***Commencement: 7 May, 1959***An Act to provide for the limitation of certain actions and arbitrations
and for related matters.****PART I—INTERPRETATION****1. Interpretation**

- (1) In this Act, unless the context otherwise requires—
“action” includes any proceeding in a court;
“award” means an award of an arbitrator under the Arbitration and Conciliation Act, or a foreign award within the meaning of the Arbitration and Conciliation Act;
“court” means the High Court or a magistrate’s court;
“enactment” means a legislative instrument having effect in Uganda;
“land” includes corporeal hereditaments and rent charges, and any legal or equitable estate or interest in them, including an interest in the proceeds of the sale of land held on trust for sale, but except as provided in this definition does not include any incorporeal hereditament;
“magistrate’s court” means a court established under the Magistrates Courts Act;
“officer”, in relation to the Government, includes the President, a Minister and any servant of the Government;
“personal estates” and “personal property” do not include chattels real;
“personal injuries” includes any disease and any impairment of a person’s physical or mental condition;
“personal representative” has the same meaning as in the Law Reform (Miscellaneous Provisions) Act;
“rent” includes a rent charge;
“rent charge” means any annuity or periodical sum of money charged upon or payable out of land, except interest on a mortgage of land;

“submission” means a written agreement to submit present or future differences to arbitration, whether an arbitrator is named in the agreement or not;

“trust”, “trustee” and “trust for sale” have the same meanings respectively as in the Trustees Act.

(2) For the purposes of this Act, proceedings by or against the Government shall include proceedings by or against any Government department or officer of the Government as such.

(3) For the purposes of this Act, a person shall be deemed to be under a disability while he or she is an infant or suffers from mental illness.

(4) For the purposes of subsection (3), but without prejudice to its generality, a person shall be conclusively presumed to be suffering from mental illness while he or she is detained in pursuance of any enactment authorising the detention of persons suffering from mental illness or criminal lunatics.

(5) A person shall be deemed to claim through another person if he or she became entitled by, through, under or by the act of that other person to the right claimed; except that a person becoming entitled to any estate or interest by virtue of a special power of appointment shall not be deemed to claim through the appointor.

(6) References in this Act to a right of action to recover land shall include references to a right to enter into possession of the land or, in the case of rent charges, to distrain for arrears of rent, and references to the bringing of an action in respect of such a right of action shall include references to the making of such an entry or distress.

(7) References in this Act to the possession of land shall, in the case of rent charges, be construed as references to the receipt of the rent, and references to the date of dispossession or discontinuance of possession of land shall, in the case of rent charges, be construed as references to the date of the last receipt of rent.

(8) In Part III of this Act, references to a right of action shall include references to a cause of action and to a right to receive money secured by a mortgage or charge on any property or to recover proceeds of the sale of land,

and to a right to receive a share or interest in the personal estate of a deceased person; and references to the date of the accrual of a right of action shall—

- (a) in the case of an action for an account, be construed as references to the date on which the matter arose in respect of which an account is claimed;
- (b) in the case of an action upon a judgment, be construed as references to the date on which the judgment became enforceable;
- (c) in the case of an action to recover arrears of rent or interest, or damages in respect of those arrears, be construed as references to the date on which the rent or interest became due.

PART II—PERIODS OF LIMITATION FOR DIFFERENT CLASSES OF ACTIONS

2. Part II to be subject to provisions of Part III relating to disability, acknowledgment, fraud, etc.

The provisions of this Part shall have effect subject to the provisions of Part III of this Act, which provide for the extension of the periods of limitation in the case of disability, acknowledgment, part payment, fraud and mistake.

Actions of contract and tort and certain other actions

3. Limitation of actions of contract and tort and certain other actions

(1) The following actions shall not be brought after the expiration of six years from the date on which the cause of action arose, that is to say actions—

- (a) founded on contract or on tort;
- (b) to enforce a recognisance;
- (c) to enforce an award;
- (d) to recover any sum recoverable by virtue of any enactment, other than a penalty or forfeiture or sum by way of penalty or forfeiture,

except that in the case of actions for damages for negligence, nuisance or breach of duty, whether the duty exists by virtue of a contract or of provision made by or under an enactment or independently of any such contract or any such provision, where the damages claimed by the plaintiff for the negligence, nuisance or breach of duty consist of or include damages in respect of personal injuries to any person, this subsection shall have effect as if for the reference to six years there were substituted a reference to three years.

(2) An action for an account shall not be brought in respect of any matter which arose more than six years before the commencement of the action.

(3) An action shall not be brought upon any judgment after the expiration of twelve years from the date on which the judgment became enforceable, and no arrears of interest in respect of any judgment debt shall be recovered after the expiration of six years from the date on which the interest became due.

(4) An action to recover any penalty or forfeiture, or sum by way of penalty or forfeiture, recoverable by virtue of any enactment shall not be brought after the expiration of two years from the date on which the cause of action accrued; but for the purposes of this subsection, the expression "penalty" shall not include a fine to which any person is liable on conviction of a criminal offence.

(5) Subsection (1) shall apply to an action to recover seamen's wages but, except as provided in this subsection, this section shall not apply to any cause of action within the admiralty jurisdiction of the court which is enforceable *in rem*.

(6) This section shall not apply to any claim for specific performance of a contract or for an injunction or for other equitable relief, except insofar as any provision of this section may be applied by the court by analogy in like manner as the periods of limitation in force before the commencement of this Act have heretofore been applied.

4. Limitation in case of successive conversions and extinction of title of owner of converted goods

(1) Where any cause of action in respect of the conversion or wrongful detention of a chattel has accrued to any person and, before he or she recovers possession of the chattel, a further conversion or wrongful detention takes place, no action shall be brought in respect of the further conversion or detention after the expiration of six years from the accrual of the cause of action in respect of the original conversion or detention.

(2) Where any cause of action has accrued to any person and the period prescribed for bringing an action on it and for bringing any action in

respect of such a further conversion or wrongful detention as aforesaid has expired and he or she has not during that period recovered possession of the chattel, the title of that person to the chattel shall be extinguished.

Actions to recover land and rents

5. Limitation of actions to recover land

No action shall be brought by any person to recover any land after the expiration of twelve years from the date on which the right of action accrued to him or her or, if it first accrued to some person through whom he or she claims, to that person.

6. Accrual of right of action in case of present interests in land

(1) Where the person bringing an action to recover land, or some person through whom he or she claims, has been in possession of the land, and has while entitled to it been dispossessed or discontinued his or her possession, the right of action shall be deemed to have accrued on the date of the dispossession or discontinuance.

(2) Where any person brings an action to recover any land of a deceased person, whether under a will or on intestacy, and the deceased person was, on the date of his or her death, in possession of the land or, in the case of a rent charge created by will or taking effect upon his or her death, in possession of the land charged, and was the last person entitled to the land to be in possession of the land, the right of action shall be deemed to have accrued on the date of his or her death.

(3) Where any person brings an action to recover land, being an estate or interest in possession assured otherwise than by will to him or her, or to some person through whom he or she claims, by a person who, at the date when the assurance took effect, was in possession of the land or, in the case of a rent charge created by the assurance, in possession of the land charged, and no person has been in possession of the land by virtue of the assurance, the right of action shall be deemed to have accrued on the date when the assurance took effect.

7. Accrual of right of action in case of future interests

(1) Subject to this section, the right of action to recover any land shall, in a case where the estate or interest claimed was an estate or interest in reversion or remainder or any other future estate or interest, and no person has taken possession of the land by virtue of the estate or interest claimed, be deemed to have accrued on the date on which the estate or interest fell into possession by the determination of the preceding estate or interest.

(2) If the person entitled to the preceding estate or interest, not being a term of years absolute, was not in possession of the land on the date of the determination of that estate or interest, no action shall be brought by the person entitled to the succeeding estate or interest after the expiration of twelve years from the date on which the right of action accrued to the person entitled to the preceding estate or interest, or six years from the day on which the right of action accrued to the person entitled to the succeeding estate or interest, whichever period last expires.

(3) Subsections (1) and (2) shall not apply to any estate or interest which falls into possession on the determination of an entailed interest and which might have been barred by the person entitled to the entailed interest.

(4) No person shall bring an action to recover any estate or interest in land under an assurance taking effect after the right of action to recover the land had accrued to the person by whom the assurance was made or some person through whom he or she claimed or some person entitled to a preceding estate or interest, unless the action is brought within the period during which the person by whom the assurance was made could have brought such an action.

(5) Where any person is entitled to any estate or interest in land in possession and, while so entitled, is also entitled to any future estate or interest in that land, and his or her right to recover the estate or interest in possession is barred under this Act, no action shall be brought by that person, or by any person claiming through him or her, in respect of the future estate or interest, unless in the meantime possession of the land has been recovered by a person entitled to an intermediate estate or interest.

8. Provisions in case of settled land and land held on trust

(1) Subject to section 19(1), this Act shall apply to equitable interests in land, including interests in the proceeds of the sale of land held upon trust for sale, in like manner as it applies to legal estates, and accordingly, a right of action to recover the land shall, for the purposes of this Act but not otherwise, be deemed to accrue to a person entitled in possession to such an equitable interest in the like manner and circumstances and on the same date as it would accrue if his or her interest were a legal estate in the land.

(2) Where any land is held upon trust, including a trust for sale, and the period prescribed by this Act has expired for the bringing of an action to recover the land by the trustees, the estate of the trustees shall not be extinguished if and so long as the right of action to recover the land of any person entitled to a beneficial interest in the land or in the proceeds of sale either has not accrued or has not been barred by this Act, but if and when every such right of action has been so barred, the estate of the trustees shall be extinguished.

(3) Where any land is held upon trust, including a trust for sale, an action to recover the land may be brought by the trustees on behalf of any person entitled to a beneficial interest in possession in the land or in the proceeds of sale whose right of action has not been barred by this Act, notwithstanding that the right of action of the trustees would, apart from this provision, have been barred by this Act.

(4) Where any settled land or land held on trust for sale is in the possession of a person entitled to a beneficial interest in the land or in the proceeds of sale, not being a person solely and absolutely entitled to the land, no right of action to recover the land shall be deemed for the purposes of this Act to accrue during such possession to any person in whom the land is vested as trustee or to any other person entitled to a beneficial interest in the land or the proceeds of sale.

9. Accrual of right of action in case of forfeiture or breach of condition

A right of action to recover land by virtue of a forfeiture or breach of condition shall be deemed to have accrued on the date on which the forfeiture was incurred or the condition broken; but if such a right has accrued to a person entitled to an estate or interest in reversion or remainder and the land was not

recovered by virtue of reversion or remainder, the right of action to recover the land shall not be deemed to have accrued to that person until his or her estate or interest fell into possession, as if no such forfeiture or breach of condition has occurred.

10. Accrual of right of action in case of certain tenancies

(1) A tenancy at will shall, for the purposes of this Act, be deemed to be determined at the expiration of one year from the commencement of the tenancy, unless it has previously been determined, and, accordingly, the right of action of the person entitled to the land subject to the tenancy shall be deemed to have accrued on the date of that determination.

(2) A tenancy from year to year or other period, without a lease in writing, shall, for the purposes of this Act, be deemed to be determined at the expiration of the first year or other period, and, accordingly, the right of action of the person entitled to the land subject to the tenancy shall be deemed to have accrued at the date of that determination; except that where any rent has subsequently been received in respect of the tenancy, the right of action shall be deemed to have accrued on the date of the last receipt of rent.

(3) Where any person is in possession of land by virtue of a lease in writing by which a rent of not less than twenty shillings is reserved, and the rent is received by some person wrongfully claiming to be entitled to the land in reversion immediately expectant on the determination of the lease, and no rent is subsequently received by the person rightfully so entitled, the right of action of the last-named person to recover the land shall be deemed to have accrued at the date when the rent was first received by the person wrongfully claiming to be entitled to the land in reversion immediately expectant on the determination of the lease and not at the date of the determination of the lease.

11. Right of action not to accrue or continue unless there is adverse possession

(1) No right of action to recover land shall be deemed to accrue unless the land is in the possession of a person in whose favour the period of limitation can run, in this section referred to as "adverse possession", and where under sections 6, 7, 8, 9 and 10 any such right of action is deemed to accrue on a certain date and no person is in adverse possession on that date,

the right of action shall not be deemed to accrue until adverse possession is taken of the land.

(2) Where a right of action to recover land has accrued and thereafter, before the right is barred, the land ceases to be in adverse possession, the right of action shall no longer be deemed to have accrued, and no fresh right of action shall be deemed to have accrued until the land is again taken into adverse possession.

- (3) For the purposes of this section—
- (a) possession of any land subject to a rent charge by a person, other than the person entitled to the rent charge, who does not pay the rent shall be deemed to be in adverse possession of the rent charge; and
 - (b) receipt of rent under a lease by a person wrongfully claiming, in accordance with section 10(3), the land in reversion shall be deemed to be adverse possession of the land.

12. Cure of defective disentailing assurance

Where a person entitled in remainder to an entailed interest in any land has made an assurance thereof which fails to bar the issue in tail or the estates and interests taking effect on the determination of the entailed interest, or fails to bar the last mentioned estates and interests only, and any person takes possession of the land by virtue of the assurance, and that person or any other person, other than a person entitled to possession by virtue of the settlement, is in possession of the land for twelve years from the commencement of the time at which the assurance, if it had then been executed by the person entitled to the entailed interest, would have operated, without the consent of any other person, to bar the issue in tail or the estates and interests taking effect on the determination of the entailed interest, then, at the expiration of that period, the assurance shall operate, and be deemed always to have operated, to bar the issue in tail and those estates and interests.

13. Limitation of redemption actions

When a mortgagee of land has been in possession of any of the mortgaged land for twelve years, no action to redeem the land of which the mortgagee has been so in possession shall thereafter be brought by the mortgagor or any person claiming through him or her.

14. No right of action to be preserved by formal entry or continual claim

For the purposes of this Act, no person shall be deemed to have been in possession of any land by reason only of having made a formal entry on the land, and no continual or other claim upon or near any land shall preserve any right of action to recover the land.

15. Administration to date back to death

For the purposes of the provisions of this Act relating to actions for the recovery of land, an administrator of the estate of a deceased person shall be deemed to claim as if there had been no interval of time between the death of the deceased person and the grant of the letters of administration.

16. Extinction of title after expiration of period

Subject to sections 8 and 29 and subject to the other provisions thereof, at the expiration of the period prescribed by this Act for any person to bring an action to recover land, including a redemption action, the title of that person to the land shall be extinguished.

17. Limitation of action to recover rent

No action shall be brought, or distress made, to recover arrears of rent or damages in respect of those arrears after the expiration of six years from the date on which the arrears became due.

*Actions to recover money secured by mortgage or charge or to recover
proceeds of sale of land*

18. Limitation of actions to recover money secured by mortgage or charge or to recover proceeds of sale of land

(1) No action shall be brought to recover any principal sum of money secured by a mortgage or other charge on property, whether real or personal, or to recover proceeds of the sale of land, after the expiration of twelve years from the date when the right to receive the money accrued.

(2) No foreclosure action in respect of mortgaged personal property shall be brought after the expiration of twelve years from the date on which the right to foreclose accrued; except that if, after that date, the mortgagee was in possession of the mortgaged property, the right to foreclose on the property which was in his or her possession shall not, for the purposes of this subsection, be deemed to have accrued until the date on which his or her possession discontinued.

(3) The right to receive any principal sum of money accrued by a mortgage or other charge and the right to foreclose on the property subject to the mortgage or charge shall not be deemed to accrue so long as that property comprises any future interest or any life insurance policy which has not matured or been determined.

(4) Nothing in this section shall apply to a foreclosure action in respect of mortgaged land, but the provisions of this Act relating to actions to recover land shall apply to such an action.

(5) No action to recover arrears of interest payable in respect of any sum of money secured by a mortgage or other charge or payable in respect of proceeds of the sale of land, or to recover damages in respect of such arrears, shall be brought after the expiration of six years from the date on which the interest became due; except that—

- (a) where a prior mortgagee or other incumbrancer has been in possession of the property charged and an action is brought within one year of the discontinuance of that possession by the subsequent incumbrancer, he or she may recover by that action all the arrears of interest which fell due during the period of possession by the prior incumbrancer or damage in respect of those arrears, notwithstanding that the period exceeded six years;
 - (b) where the property subject to the mortgage or charge comprises any future interest or life insurance policy and it is a term of the mortgage or charge that arrears of interest shall be treated as part of the principal sum of money secured by the mortgage or charge, interest shall not be deemed to become due before the right to receive the principal sum of money has accrued or is deemed to have accrued.
- (6) This section shall not apply to any mortgage or charge on a ship.

Actions in respect of trust property or personal estate of deceased persons

19. Limitation of actions in respect of trust property

- (1) No period of limitation prescribed by this Act shall apply to an action by a beneficiary under a trust, being an action—
 - (a) in respect of any fraud or fraudulent breach of trust to which the trustee was a party or privy; or
 - (b) to recover from the trustee trust property or the proceeds of the trust property in the possession of the trustee, or previously received by the trustee and converted to his or her use.
- (2) Subject to subsection (1), an action by a beneficiary to recover trust property or in respect of any breach of trust, not being an action for which a period of limitation is prescribed by any other provision of this Act, shall not be brought after the expiration of six years from the date on which the right of action accrued; but the right of action shall not be deemed to have accrued to any beneficiary entitled to a future interest in the trust property until the interest fell into possession.
- (3) No beneficiary as against whom there would be a good defence under this Act shall derive any greater or other benefit from the judgment or order obtained by any other beneficiary than he or she could have obtained if he or she had brought the action and this Act had been pleaded in defence.

20. Limitation of actions claiming personal estate of deceased person

Subject to section 19(1), no action in respect of any claim to the personal estate of a deceased person or to any share or interest in such estate, whether under a will or on intestacy, shall be brought after the expiration of twelve years from the date when the right to receive the share or interest accrued, and no action to recover arrears of interest in respect of any legacy or damages in respect of those arrears shall be brought after the expiration of six years from the date on which the interest became due.

PART III—EXTENSION OF LIMITATION PERIODS IN CASE OF
DISABILITY, ACKNOWLEDGMENT, PART PAYMENT, FRAUD
AND MISTAKE

Disability

21. Extension of limitation period in case of disability

(1) If on the date when any right of action accrued for which a period of limitation is prescribed by this Act the person to whom it accrued was under a disability, the action may be brought at any time before the expiration of six years from the date when the person ceased to be under a disability or died, whichever event first occurred, notwithstanding that the period of limitation has expired; except that—

- (a) this section shall not affect any case where the right of action first accrued to some person, not under a disability, through whom the person under a disability claims;
- (b) when a right of action which has accrued to a person under a disability accrues, on the death of that person while still under a disability, to another person under a disability, no further extension of time shall be allowed by reason of the disability of the second person;
- (c) no action to recover land or money charged on land shall be brought by virtue of this section by any person after the expiration of thirty years from the date on which the right of action accrued to that person or some person through whom he or she claims;
- (d) this section shall not apply to any suit to recover a penalty or forfeiture, or sum by way thereof, by virtue of any enactment, except where the action is brought by an aggrieved party.

(2) In the case of actions for damages for negligence, nuisance or breach of duty, whether the duty exists by virtue of a contract or of provision made by or under an enactment or independently of any contract or any such provision, where the damages claimed by the plaintiff for the negligence, nuisance or breach of duty consist of or include damages in respect of personal injuries to any person—

- (a) subsection (1) shall have effect as if for the words “six years” there were substituted the words “three years”; and
- (b) this section shall not apply unless the plaintiff proves that the person under the disability was not, at the time when the right of

action accrued to him or her, in the custody of a member of his or her family.

(3) For the purposes of this section, “member of his or her family” in relation to any person has the meaning assigned to “member of the family” in the Law Reform (Miscellaneous Provisions) Act.

Acknowledgment and part payment

22. Fresh accrual of action on acknowledgment or part payment

(1) Where there has accrued any right of action, including a foreclosure action, to recover land or any right of a mortgagee of personal property to bring a foreclosure action in respect of the property and—

- (a) the person in possession of the land or personal property acknowledges the title of the person to whom the right of action has accrued; or
- (b) in the case of a foreclosure or other action by a mortgagee, the person in possession of the land or personal property or the person liable for the mortgage debt makes any payment in respect of it, whether of principal or interest,

the right shall be deemed to have accrued on and not before the date of the acknowledgment or payment.

(2) Subsection (1) shall apply to a right of action to recover land accrued to a person entitled to an estate or interest taking effect on the determination of an entailed interest against whom time is running under section 12, and on the making of the acknowledgment that section shall cease to apply to the land.

(3) Where a mortgagee is by virtue of the mortgage in possession of any mortgaged land and either receives any sum in respect of the principal or interest of the mortgage debt or acknowledges the title of the mortgagor, or his or her equity of redemption, an action to redeem the land in his or her possession may be brought at any time before the expiration of twelve years from the date of the payment or acknowledgment.

(4) Where any right of action has accrued to recover any debt or other liquidated pecuniary claim, or any claim to the personal estate of a deceased person or to any share or interest in it, and the person liable or accountable

therefor acknowledges the claim or makes any payment in respect of the claim, the right shall be deemed to have accrued on and not before the date of the acknowledgment or the last payment; but a payment of a part of the rent or interest due at any time shall not extend the period for claiming the remainder then due, but any payment of interest shall be treated as a payment in respect of the principal debt.

23. Formal provisions as to acknowledgments and part payments

(1) Every acknowledgment mentioned in section 22 shall be in writing and signed by the person making the acknowledgment.

(2) Any acknowledgment or payment mentioned in section 22 may be made by the agent of the person by whom it is required to be made to the person, or to an agent of the person whose title or claim is being acknowledged or in respect of whose claim the payment is being made.

24. Effect of acknowledgment or part payment on persons other than maker or recipient

(1) An acknowledgment of the title to any land or mortgaged personality by any person in possession of it shall bind all other persons in possession during the ensuing period of limitation.

(2) A payment in respect of a mortgage debt by the mortgagor or any person in possession of the mortgaged property shall, so far as any right of the mortgagee to foreclose or otherwise to recover the property is concerned, bind all other persons in possession of the mortgaged property during the ensuing period of limitation.

(3) Where two or more mortgagees are by virtue of the mortgage in possession of the mortgaged land, an acknowledgment of the mortgagor's title or of his or her equity of redemption by one of the mortgagees shall only bind him or her and his or her successors and shall not bind any other mortgagee or his or her successors, and where the mortgagee by whom the acknowledgment is given is entitled to a part of the mortgaged land and not to any ascertained part of the mortgage debt, the mortgagor shall be entitled to redeem that part of the land on payment, with interest, of the part of the mortgage debt which bears the same proportion to the whole of the debt as the value of the part of the land bears to the whole of the mortgaged land.

(4) Where there are two or more mortgagors, and the title or right to redemption of one of the mortgagors is acknowledged in the circumstances referred to in subsection (3), the acknowledgment shall be deemed to have been made to all the mortgagors.

(5) An acknowledgment of any debt or other liquidated pecuniary claim shall bind the acknowledgor and his or her successors but not any other person; except that an acknowledgment made after the expiration of the period of limitation prescribed for the bringing of an action to recover the debt or other claim shall not bind any successor on whom the liability devolves on the determination of a preceding estate or interest in property under a settlement taking effect before the date of the acknowledgment.

(6) A payment made in respect of any debt or other liquidated pecuniary claim shall bind all persons liable in respect of the debt or other claim; except that a payment after the expiration of the period of limitation prescribed for the bringing of an action to recover the debt or other claim shall not bind any person other than the person making the payment and his or her successors, and shall not bind any successor on whom the liability devolves on the determination of a preceding estate or interest in property under a settlement taking effect before the date of the payment.

(7) An acknowledgment by one of several personal representatives of any claim to the personal estate of a deceased person, or to any share or interest in it, or a payment by one of several personal representatives in respect of any such claim shall bind the estate of the deceased person.

(8) In this section, the expression "successor", in relation to any mortgagee or person liable in respect of any debt or claim, means his or her personal representatives and any other person on whom the rights under the mortgage or, as the case may be, the liability in respect of the debt or claim devolve, whether on death or bankruptcy or the disposition of property or the determination of a limited estate or interest in settled property or otherwise.

Fraud and mistake

25. Postponement of limitation period in case of fraud or mistake

Where, in the case of any action for which a period of limitation is prescribed by this Act, either—

- (a) the action is based upon the fraud of the defendant or his or her agent or of any person through whom he or she claims or his or her agent;
- (b) the right of action is concealed by the fraud of any such person as is mentioned in paragraph (a); or
- (c) the action is for relief from the consequences of a mistake, the period of limitation shall not begin to run until the plaintiff has discovered the fraud or the mistake, or could with reasonable diligence have discovered it; but nothing in this section shall enable any action to be brought to recover, or enforce any charge against, or set aside any transaction affecting, any property which—
 - (i) in the case of fraud, has been purchased for valuable consideration by a person who was not a party to the fraud and did not at the time of the purchase know or have reason to believe that any fraud had been committed; or
 - (ii) in the case of mistake, has been purchased for valuable consideration, subsequently to the transaction in which the mistake was made, by a person who did not know or have reason to believe that the mistake had been made.

PART IV—GENERAL

26. Application of Act and other limitation enactments to arbitrations

(1) This Act and any other enactment relating to the limitation of actions shall apply to arbitrations as they apply to actions in the court.

(2) Notwithstanding any term in a submission to the effect that no cause of action shall accrue in respect of any matter required by the submission to be referred until an award is made under the submission, the cause of action shall, for the purpose of this Act and of any other enactment relating to the limitation of actions, whether in their application to arbitrations or to other proceedings, be deemed to have accrued in respect of any such matter at the time when it would have accrued but for that term in the submission.

(3) For the purpose of this Act and of any other enactment relating to the limitation of actions, an arbitration shall be deemed to be commenced when one party to the arbitration serves on the other party a notice requiring him or her to appoint an arbitrator or to agree to the appointment of an arbitrator, or, where the submission provides that the reference shall be to a

person named or designated in the submission, requiring him or her to submit the dispute to the person so named or designated.

(4) Any notice referred to in subsection (3) may be served in the manner prescribed by the Civil Procedure Rules for the service of summonses, as well as in any other manner provided in the submission.

(5) Where the High Court orders that an award be set aside or orders, after the commencement of an arbitration, that the arbitration shall cease to have effect with respect to the dispute referred, the court may further order that the period between the commencement of the arbitration and the date of the order of the court shall be excluded in computing the time prescribed by this Act or any other enactment relating to the limitation of actions for the commencement of proceedings, including arbitration, with respect to the dispute referred.

(6) This section shall apply to an arbitration under an enactment as well as to an arbitration pursuant to a submission, and subsections (3) and (4) shall have effect, in relation to an arbitration under an Act, as if for the references to the arbitration agreement there were substituted references to such of the provisions of the enactment or of any order, scheme, rules, regulations or byelaws made under the Act as relate to the arbitration.

27. Provisions as to setoff or counterclaim

For the purposes of this Act, any claim by way of setoff or counterclaim shall be deemed to be a separate action and to have been commenced on the same date as the action in which the setoff or counterclaim is pleaded.

28. Acquiescence

Nothing in this Act shall affect any equitable jurisdiction to refuse relief on the ground of acquiescence or otherwise.

29. Application of Act to registered land

Without prejudice to the operation of section 171 of the Registration of Titles Act, which contains certain provisions relating to the limitation of actions, this Act shall apply to land registered under the Registration of Titles Act in the same manner and to the same extent as it applies to land not so

registered, except that where, if the land were not registered, the estate of the person registered as proprietor would be extinguished, that estate shall not be extinguished but shall be deemed to be held by the person registered as proprietor for the time being in trust for the person who, by virtue of this Act, has acquired title against any person registered as proprietor, but without prejudice to the estates and interests of any other person interested in the land whose estate or interest is not extinguished by this Act.

30. Application of Act to proceedings by or against Government

Subject to section 31 and the other provisions of this Act, this Act shall apply to proceedings by or against the Government as they apply to proceedings between private persons.

31. Miscellaneous savings

Nothing in this Act shall—

- (a) affect the right of the Uganda Land Commission to public land vested in it by virtue of the Constitution or of the Public Land Act, Cap. 201 (Revised Edition, 1964) or apply to an action brought by the Uganda Land Commission to recover possession of such land;
- (b) apply to any proceedings by the Government for the recovery of any tax or duty or the interest on it or to any forfeiture proceedings under the East African Community Customs Management Act or to any proceedings in respect to the forfeiture of a ship;
- (c) apply to any criminal proceedings; or
- (d) affect any right to mines and minerals vested in the Government.

32. Saving for other limitation enactments

This Act shall not apply to any action or arbitration for which a period of limitation is prescribed by any other enactment, or to any action or arbitration to which the Government is a party and for which, if it were between private persons, a period of limitation would be prescribed by any other enactment.

History: Cap. 70 (Revised Edition, 1964); S.I. 135/1968, s. 2; Cap. 80 (Revised Edition, 2000)

Cross References

Constitution

Administration of the Judiciary Act, Cap. 4

Arbitration and Conciliation Act, Cap. 5

Civil Procedure Rules, S.I. 282–1

East African Community Customs Management Act, 2004

Land Act, Cap. 236

Law Reform (Miscellaneous Provisions) Act, Cap. 289

Magistrates Courts Act, Cap. 19

Public Land Act, Cap. 201 (Revised Edition, 1964)

Registration of Titles Act, Cap. 240

Trustees Act, Cap. 270