



PRESS RELEASE

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Bill to Amend the Limitation Act Published Today – Will Allow Recovery of All Government Debt However Old the Debt Might Be

The Government has today published a Bill to amend the Limitation Act.

The Bill disapplies the limitation period in respect of actions against the Government for cases involving neglect, ill-treatment or other abuses to a minor who was looked after by the Government on the date when the cause of action accrued. The limitation period is also disappplied for actions against the Government involving cases of mesothelioma alleged to have been caused by exposure to asbestos during the course of that person's employment by the Government. These provisions were already included in a Bill which was published before the elections in November 2015 but which lapsed when the elections were called.

In a further measure to allow the recovery of debts due to the Government, the Bill disapplies the limitation provisions in the Act with regards to proceedings in relation to any debt owed to the Government or to a Government Agency, Authority, or company.

The Minister for Justice, Gilbert Licudi QC, said:

“Once a limitation period has passed, no action may be brought to recover damages or a debt due under a contract. The effect of this Bill is that in future there will be no limitation period in cases against the Government for neglect or ill-treatment of a child whilst under the care of social services or in respect of mesothelioma. In addition, it will no longer be possible to allege that the Government may not recover a debt because more than six years have passed since the date when the debt accrued. Proceedings will be able to be brought by the Government to recover a debt irrespective of how old the debt may be.”

The Chief Minister, Fabian Picardo QC, said:

“The amendments proposed in the Bill are a further example of how serious the Government is in tackling arrears of rent and other debts due to the Government or a Government entity. This follows the recent publication of the rules for the allocation of berths at the new small boats marina which made it clear that berths may not be allocated to individuals who are in arrears with the Gibraltar Government or Government Agency, Authority or company in relation to any debt.”