
INFORMATION BULLETIN

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Ministry of Attorney General

CONSULTATION ON REFORMING THE LIMITATION ACT

VICTORIA – A final consultation on reforming British Columbia’s Limitation Act starts today with publishing of a white paper inviting public comments.

The current act, which sets out time periods for people to sue within the civil justice system, became law in 1975 and has not been significantly changed since. Proposed changes are expected to provide greater balance between the needs of people starting a civil lawsuit to have access to the civil justice system and creating certainty and predictability for those named in the lawsuit.

The white paper includes actual draft wording for new legislation and an analysis of each area of the act. It builds on results of consultations arising from a green paper issued by the ministry in 2007.

Proposed revisions to the act respond to social, economic and legal changes in B.C. over the past 35 years. Setting out when a limitation period starts and ends and simplifying the multiple limitation periods will make the law clearer and easier to use for both lawyers and the public.

Some of the key changes recommended in the white paper include:

- Moving from a variety of basic limitation periods, based on the type of legal action, to a single two-year basic limitation period for all civil claims.
- Moving from a general 30-year ultimate limitation period to a single ultimate limitation period of either 10 or 15 years. Reforms include making the legislation more certain as to when the ultimate limitation period starts to run.
- Eliminating the six-year ultimate limitation period for negligence claims against doctors, hospitals and hospital employees. All lawsuits will be governed by a single ultimate limitation period of either 10 or 15 years.

Since 1999, Alberta, Saskatchewan, Ontario and, most recently, New Brunswick have reformed their limitation legislation. Reports by the former B.C. Law Reform Commission and its successor, the B.C. Law Institute, along with the model limitation law adopted by the Uniform Law Conference of Canada were considered in developing the white paper.

Final comments on the white paper and draft legislation, located at <http://www.ag.gov.bc.ca/legislation>, are due by Nov. 15. Feedback will be considered in finalizing the new limitation law.

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