

# LIMITATION (EMERGENCY PROVISIONS) ORDINANCE 1941. <sup>(1)</sup>

## No. 3 of 1941.

**An Ordinance to amend the Law with respect to the Limitation of Actions, Suits, and other Proceedings, and for other purposes.**

**B**E it ordained by the Legislative Council for the Territory of New Guinea, in pursuance of the powers conferred by the *New Guinea Act 1920-1935*, as follows:—

1. This Ordinance may be cited as the *Limitation (Emergency Provisions) Ordinance 1941.*<sup>(1)</sup> Short title.

2. In calculating the time fixed by any law in force in the Territory, or by any agreement, mortgage, or instrument, within which any right, power, or remedy conferred by the agreement, mortgage, or instrument or by any law in force in the Territory, may be enforced, exercised, or pursued, or within which any action, suit, or other proceeding may be commenced, account shall not be taken of any period during which any such right, power, remedy, action, suit, or proceeding is stayed, prohibited, or suspended under any law in force in the Territory. Period during which actions, &c., stayed, &c., not to be taken into consideration.

3.—(1.) Any right to commence any action, suit, or other proceeding or to enforce, exercise, or pursue any right, power, or remedy, possessed by or existing against any person engaged on war service or which accrues to or becomes available against him while engaged on war service, shall not be barred by the expiration, during the time he is engaged on war service or within twelve months thereafter, of the period of limitation fixed by any law in force in the Territory, or by any agreement, mortgage, or instrument, with respect to any such right. In the event of such expiration, such action, suit, or other proceeding may be commenced, or such right, power, or remedy may be enforced, exercised, or pursued, at any time before the expiration of twelve months after the time such person is engaged on war service. This sub-section shall Preservation of rights possessed by or existing against person engaged on war service during time he is so engaged and twelve months thereafter.

(1) Particulars of this Ordinance are as follows:—

Date of assent by Administrator.	Date notified in <i>N.G. Gaz.</i> as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
22.4.1941	31.7.1941	22.4.1941 ( <i>Laws of T.N.G.</i> , Vol. XV, p. 120)

## LIMITATION OF ACTIONS—

have effect in any case where such person became engaged on war service or such right accrued to or became available against him before, as well as in any case where such person becomes engaged on war service or such right accrues to or becomes available against him after, the commencement of this Ordinance.

(2.) For the purposes of this section a person shall be deemed to be engaged on war service—

- (a) if he is engaged on naval, military, or air force service outside the Territory and the Commonwealth with His Majesty's naval, military, or air forces or with the naval, military, or air forces of the Commonwealth during the war in which His Majesty is at present engaged;
  - (b) if he is engaged on service outside the Territory and the Commonwealth in any work in connection with that war of any Red Cross Society or Ambulance Association or any other body with similar objects; or
  - (c) if in connection with that war he is a prisoner of war in an enemy country or is interned in any enemy country or the country of a neutral power.
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