

## What is the professional negligence limitation period?



In the words of 14th Century poet Chaucer, “time and tide wait for no man”, and this ancient proverb is no more relevant than in a litigation context.

Simply put, if you think you may have a potential professional negligence claim, you must act quickly, as there is a deadline by which a professional negligence claim must be brought, which is known as the ‘limitation period’. There are three limitation periods: Primary, Secondary and ‘Longstop’.

### What is the primary limitation period for professional negligence claims?

The primary limitation period for professional negligence claims is 6 years from the date of your loss. However, the law does appreciate that it is not always clear that there has been negligence until some years later.

For example, your financial adviser may have advised you to invest into an offshore property development, and this development may have generated a return for seven years, but then suddenly collapsed in the eighth year from investment. Clearly, for the first seven years, it was reasonable for you to have not known that the advice was negligent, this only becoming apparent once the investment had failed in the eighth year from investment.

There is, therefore, a second limitation period.

### What is the secondary limitation period for professional negligence claims?

The secondary limitation period for professional negligence claims is 3 years from the date that you knew, or reasonably ought to have known, of the negligence (sometimes referred to as a ‘date of knowledge’).



In the above example, it can be seen how even when the six year primary limitation period has expired, there are reasonable grounds to bring the claim up to 11 years after the negligent financial advice (i.e. three years from year eight, which was when the negligence became 'known').

## What is the longstop limitation period for professional negligence claims?

There is a longstop date of 15 years from the date of the negligence/loss in which the claim must be brought, after which, irrespective of when you first knew, or ought reasonably to have known, of a potential claim, you cannot bring the claim. It is 'extinguished', and lost to the sands of time.

It is important for claimants and defendants to know that if the limitation period has expired then a defendant has a complete defence to a professional negligence claim. It does not matter whether a claimant is certain that they can prove the negligence. If the time limit has run out, there is (unless deliberate concealment can be shown) nothing that can be done.

If you think you have been subject to professional negligence, and have suffered a loss as a result, then you need to act immediately to ensure that your right to bring the claim is not extinguished.

Again, in the words of Chaucer: 'there is a time and a place for everything', and if you think you may have a potential professional negligence claim, and require expert legal advice, then that time is now.

## How we can help

If you think you have been subject to professional negligence, and are within the primary or second limitation period, please contact our [professional negligence](#) team. Please note we are unable to advise on medical negligence or fraud claims.



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