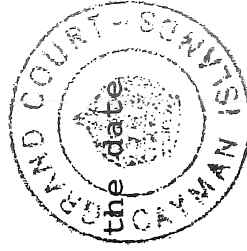


enable any action to be brought which was barred before the date of commencement of the Law.



Counsel for the plaintiff manfully tried to argue that I have an inherent power to extend the time in which suit may be filed.

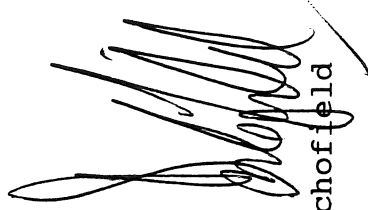
He points to the exercise of power by the English courts to extend time under the Limitation Act, 1939, and he referred me to the House of Lords decision in Thompson v. Brown Construction (Ebbw Vale) Ltd. and others [1981] 2 All E R 296 where their Lordships remitted a case to the Judge for him ^{to} consider exercising his discretion to direct that the limitation provisions should not apply to the suit. However, the discretion their Lordships directed the Judge to consider exercising was the statutory discretion under section 2D of the Limitation Act, 1939, which is a similar provision~~s~~ to that contained in section 39 of our Limitation Law, 1991. This statutory discretion is not available to me, and Thompson is not authority for the proposition that the Court has an inherent jurisdiction to extend a limitation period imposed by statute. Counsel has also referred me to the power to extend the time limit of six months for the obtaining of probate of a will or letters of administration under section 4 of the Succession Law. But again the application for special leave is an application made under the statutory provision which sets the time limit. An extension of time is not a matter of the Court's inherent power.

Finally, Order 3 rule 5 of the Rules of the Supreme Court which gives the Court power to extend or abridge time, to which counsel referred me, has no effect upon the statutory time bars for bringing an action. It relates to the enlargement of time fixed in any matter to which the Rules apply.

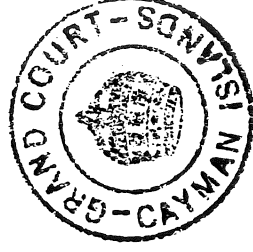
I have no inherent power to extend the one year time limit for filing action under section 4 (1) of the Law of Torts Reform Law. The action is barred by the operation of express statutory

provision and I cannot take it upon myself to remove that bar.

The defendant is entitled to and will have the orders he seeks in the summons together with costs of the summons and in the suit.



D. Schofield



Dated this 6th day of October, 1993