

Prescription and Expiry Periods

Act	Period	Special Circumstances	Notice	Notice to	Condonation	Notes
Institution of Legal Proceedings Against Certain Organs of State Act 40 of 2002	3 years for actions against state organs or as contained in the Prescription Act 68 of 1969	Transitional arrangements for debts before fixed date (28 November 2002) (s 2 (3) and (4))	<p>Notice must be served on the organ of state within 6 months from date on which debt became due (s 3 (2) (a))</p> <p>No process referred to in s 5 (1) may be served on organ of state before expiry of 30 days after service of notice on that organ of state (s 5 (2))</p>	Relevant state organ (s 4) Process (s 5)	<p>A creditor may apply to court having jurisdiction for condonation if organ of state relies on creditor's failure to serve notice in terms of s 2 (2) (a)</p> <p>(s 3 (4) (a))</p>	Debt only regarded as due when creditor has knowledge of the identity of the organ of state and of the facts giving rise to the debt (s 3 (3) (a))
Magistrates' Courts Act 32 of 1944	Execution against property within 3 years from day on which judgment pronounced/last payment in respect thereof was made (s 63)			Judgment debtor (s 63)		
<p>Prescription Act 68 of 1969</p> <p>Acquisitive prescription</p> <p>Extinctive prescription</p>	<p>30 years for:</p> <ul style="list-style-type: none"> - Acquisition of ownership of a thing (s 1) - Acquisition of a servitude (s 6) - Extinction of servitude by continuous non-use (s 7) <p>Periods for prescription</p> <p>30 years for (s 11):</p> <ul style="list-style-type: none"> - any debt secured by mortgage bond - any judgment debt - any debt in respect of any taxation imposed or levied under any law 15 years for: <ul style="list-style-type: none"> - any debt owed to the state and arising out of an advance or loan of money or a sale or lease of land by the state to the debtor 	Possession or use must be uninterrupted				Several requirements refer to Act See also Act 40 of 2002
	<p>6 years for:</p> <ul style="list-style-type: none"> - a debt arising from a bill of exchange or other negotiable instrument or from a notarial contract <p>3 years for:</p> <ul style="list-style-type: none"> - any other debt, unless an act of parliament provides otherwise 					
	Proceedings for judicial review must be instituted within				A court or tribunal may exempt a	No court or tribunal shall review an

<p>Promotion of Administrative Justice Act 3 of 2000</p>	<p>180 days of the exhaustion of the internal remedies or, if no such remedies exist, from the date on which the person became aware of such action (s 7 (1) (a) and (b))</p>			<p>person from the obligation to exhaust all internal remedies if deemed to be in the interest of justice (s 7 (2) (c)) A court or tribunal may grant an application to extend the 180 day period referred to in s 7 (1) for a fixed period if interest of justice so require (s 9 (2))</p>	<p>administrative action, unless all internal remedies provided for in any other law has been exhausted (s 7 (2) (a)) The 180 day period referred to is s 7 (1) may be extended for a fixed period by agreement between the parties (s 9 (1))</p>
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