

JAPAN P&I NEWS

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To the Members

China - Interpretation by the Supreme People's Court on the Application of the Rules of Time Bar in the General Rules of the Civil Laws of the People's Republic of China

We have obtained the further information from a law firm in Shanghai, China, Sloma & Co. that the interpretation on the Application of the Rules of Time Bar in the General Rules of the Civil Laws came into force on 23 July 2018.

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For the purposes of accurately applying the rules of time bar in the *General Rules of the Civil Law of the People's Republic of China* and protecting the lawful rights and interests of the parties, this Interpretation is developed in consideration of trial practice.

Article 1. Where the time bar begins after the *General Rules of the Civil Law* come into force, the provision of Article 188 of the *General Rules of the Civil Law* on a three-year limitation period shall apply. A party's claim for the application of the provision of the *General Principles of the Civil Law* on a two-year or one year limitation period shall not be supported by a people's court.

Article 2. Where the two-year or one year limitation period provided in the *General Principles of the Civil Law* has not expired on the date when the *General Rules of the Civil Law* come into force, a party's claim for the application of the provision of the *General Rules of the Civil Law* on a three-year limitation period shall be supported by a people's court.

Article 3. Where the two-year or one year limitation period provided in the *General Principles of the Civil Law* has expired on the date when the *General Rules of the Civil Law* come into force, a party's claim for the application of the provision of the *General Rules of the Civil Law* on a three-year limitation period shall not be supported by a people's court.

Article 4. Where the cause of suspension of time bar has not been eliminated on the date when the *General Rules of the Civil Law* come into force, relevant provisions concerning suspension of time bar provided in *General Rules of the Civil Law* shall apply.

Article 5. This Interpretation shall come into force on 23 July 2018.

Where a case is under first instance trial or second instance trial after this Interpretation comes into force, the provisions of this Interpretation shall apply; where a case has been concluded before this Interpretation comes into force and a party applies for retrial or when a decision is made to retry a case according to the trial supervision procedure, the provisions of this Interpretation shall not apply.

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Yours faithfully,

The Japan Ship Owners' Mutual Protection & Indemnity Association

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