

Canada Square Operations Ltd (Appellant) v Potter (Respondent)

Case ID: 2021/0139

Case summary

Issue

The Limitation Act 1980 sets out the time limits (or limitation periods) for bringing different kinds of legal claims. Section 32(1)(b) postpones the commencement of the ordinary limitation period where any fact relevant to the claimant's right of action has been "deliberately concealed" from them by the defendant. Section 32(2) provides that, for the purposes of section 32(1), "deliberate commission of a breach of duty in circumstances in which it is unlikely to be discovered for some time amounts to deliberate concealment of the facts involved in that breach of duty."

In this appeal, the Supreme Court is asked to clarify the meaning of the phrases "deliberately concealed" in section 32(1)(b) and "deliberate commission of a breach of duty" in section 32(2), so as to determine whether Mrs Potter's claim against Canada Square Operations Ltd ("Canada Square"), was issued too late and is therefore time barred.

Facts

In July 2006, Mrs Potter took out a loan with Canada Square. At Canada Square's suggestion, Mrs Potter also took out insurance under a payment protection insurance policy ("the PPI Policy"). Mrs Potter was not told that over 95% of the premium for the PPI Policy was paid to Canada Square as its commission on the sale of the Policy ("the Commission").

In December 2018, Mrs Potter issued a claim against Canada Square, to recover the sums that she had paid under the PPI Policy, plus interest. Canada Square argued that it was too late for Mrs Potter to bring this kind of claim, as section 9 of the Limitation Act 1980 imposed a six-year limitation period, which had long expired. Relying on section 32 of that Act, Mrs Potter argued that the six-year period did not begin to run until she found out about the Commission in 2018.

The County Court decided that section 32 of the Limitation Act 1980 applied and ordered Canada Square to pay Mrs Potter £7,953. Canada Square appealed, unsuccessfully, to the High Court and then to the Court of Appeal. Canada Square now appeals to the Supreme Court.

Judgment appealed

[\[2021\] EWCA Civ 339](#)

Parties

Appellant(s)

Canada Square Operations Ltd

Respondent(s)

Beverley Potter

Appeal

Justices

Lord Reed, Lord Hodge, Lord Kitchin, Lord Sales, Lord Lloyd-Jones

Hearing start date

14 June 2022

Hearing finish date

15 June 2022

Watch hearing

14 June 2022 [Morning session](#) [Afternoon session](#)

15 June 2022 [Morning session](#) [Afternoon session](#)

Judgment details

Judgment date

15 November 2023

Neutral citation

[2023] UKSC 41