



Contract (Third Party Rights) (Scotland) Act 2017

2017 asp 5

4 Protection of third party's entitlement from retroactive change

- (1) No account is to be taken of the cancellation or modification of an undertaking contained in a contract where and in so far as the undertaking is being enforced or otherwise invoked—
 - (a) by virtue of a person's third-party right to do so, and
 - (b) in consequence of something happening or not happening prior to the undertaking being cancelled or (as the case may be) the modification being made.
- (2) Subsection (1) does not apply in relation to a cancellation or modification if the contract provided that it may be made with retroactive effect.