

EXPLANATORY NOTES

PRESCRIPTION (SCOTLAND) ACT 2018

INTRODUCTION

THE ACT – COMMENTARY ON SECTIONS

The structure of the Act

- Section 1 - Obligations to pay damages and delictual obligations
- Section 2 - Obligations related to contract
- Section 3 - Statutory obligations
- Section 4 - Effect of fraud or error on computation of prescriptive period
- Section 5 - Start point of prescriptive period for obligations to pay damages
- Section 6 - Obligations: 20-year prescriptive period and extension
- Section 7 - Property rights: 20-year prescriptive period and extension
- Section 8 - Start point of prescriptive period for obligations to pay damages
- Section 9 - Saving for other statutory provisions about prescription or limitation
- Section 10 - Definition of “relevant claim”
- Section 11 - Prescriptive periods under sections 6 and 8A: interruption by relevant claim
- Section 12 - Definition of “final disposal” of relevant claim
- Section 13 - Restrictions on contracting out
- Section 14 - Burden of proof
- Section 15 – Ancillary provision
- Section 16 – Consequential modifications
- Section 18 – Short title

PARLIAMENTARY HISTORY