



Prescription (Scotland) Act 2018

2018 asp 15

Miscellaneous

13 Restrictions on contracting out

For section 13 (prohibition of contracting out) of the 1973 Act substitute—

“13 Restrictions on contracting out

- (1) The creditor and debtor in an obligation to which a prescriptive period under section 6 or 8A applies may agree to extend the prescriptive period under section 6 or, as the case may be, 8A in relation to the obligation.
- (2) A prescriptive period may be extended by agreement under subsection (1) only—
 - (a) after the period has commenced (and before it would, but for this section, expire),
 - (b) by a period of no more than one year, and
 - (c) once in relation to the same obligation.
- (3) Where there is an agreement under subsection (1) in relation to an obligation—
 - (a) the prescriptive period which is the subject of the agreement expires, in relation to the parties to the agreement, on the date specified in or determined in accordance with the agreement, but
 - (b) that does not otherwise affect the operation of this Act in relation to the obligation or the prescriptive period.
- (4) Except as provided in subsections (1) to (3), a provision in an agreement is of no effect so far as the provision would (apart from this subsection) have the effect, in relation to a right or obligation to which section 6, 7, 8 or 8A (the “section in question”) applies, of—
 - (a) disapplying the section in question in relation to the right or obligation, or
 - (b) otherwise altering the operation of the section in question in relation to the right or obligation.”.