



Prescription (Scotland) Act 2018

2018 asp 15

5-year negative prescription

5 Start point of prescriptive period for obligations to pay damages

- (1) Section 11 (obligations to make reparation) of the 1973 Act is amended as follows.
- (2) In subsection (1), for “act, neglect or default” substitute “act or omission”.
- (3) In subsection (2), for “act, neglect or default”, in each place those words appear substitute “act or omission”.
- (4) In subsection (3), for the words “that loss, injury or damage caused as aforesaid had occurred” substitute “of each of the facts mentioned in subsection (3A)”.
- (5) After subsection (3) insert—
 - “(3A) The facts referred to in subsection (3) are—
 - (a) that loss, injury or damage has occurred,
 - (b) that the loss, injury or damage was caused by a person’s act or omission, and
 - (c) the identity of that person.
 - (3B) It does not matter for the purposes of subsections (3) and (3A) whether the creditor is aware that the act or omission that caused the loss, injury or damage is actionable in law.”