



Prescription (Scotland) Act 2018

2018 asp 15

20-year negative prescription

7 Property rights: 20-year prescriptive period and extension

- (1) Section 8 (extinction of other rights relating to property by prescriptive periods of twenty years) of the 1973 Act is amended as follows.
- (2) In subsection (1), the words “, and without any relevant claim in relation to it having been made,” are repealed.
- (3) After subsection (1) insert—
 - “(1A) Subsection (1B) applies if—
 - (a) a relevant claim is made in relation to a right to which this section applies,
 - (b) the claim is made before the time at which the prescriptive period mentioned in subsection (1) would, but for subsection (1B), expire, and
 - (c) at that time—
 - (i) the claim has not been finally disposed of, and
 - (ii) the proceedings in which the claim is made have not otherwise come to an end.
 - (1B) The prescriptive period is extended so that it expires—
 - (a) when the claim is finally disposed of, or
 - (b) when the proceedings in which the claim is made come to an end (where the proceedings come to an end without the claim having been finally disposed of).
 - (1C) If the relevant claim (as finally disposed of) is successful, the right is to be treated for the purposes of subsection (1) as having been exercised or enforced by the creditor at the time when the claim was made.”.