
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 410

**The Law Applicable to Contractual
Obligations (Scotland) Regulations 2009**

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Law Applicable to Contractual Obligations (Scotland) Regulations 2009 and come into force on 17th December 2009.

(2) These Regulations extend to Scotland only.

Restriction on the application of the Contracts (Applicable Law) Act 1990

2. In the Contracts (Applicable Law) Act 1990(1)—

(a) after section 4A(2) insert—

“4B. Disapplication where the rules in the Rome I Regulation apply: Scotland

(1) Nothing in this Act applies to affect the determination of issues relating to contractual obligations which fall to be determined by the Rome I Regulation.

(2) In this section “the Rome I Regulation” means Regulation (EC) No. 593/2008 of the European Parliament and of the Council on the law applicable to contractual obligations (Rome I)(3), including that Regulation as applied by regulation 4 of the Law Applicable to Contractual Obligations (Scotland) Regulations 2009 (conflicts falling within Article 22(2) of Regulation (EC) No. 593/2008).

(3) This section extends to Scotland only.”;

and

(b) in section 8(1)(extent), for “This” substitute “Except as provided by virtue of section 4B(3), this”.

Restriction on the application of existing choice of law rules on prescription and limitation

3. In section 23A (private international law application) of the Prescription and Limitation (Scotland) Act 1973(4)—

(a) in subsection (4), after “contained in” insert “the Rome I Regulation or”; and

(b) in subsection (5) after “subsection 4” insert—

“(a) “the Rome I Regulation” means Regulation (EC) No. 593/2008 of the European Parliament and of the Council on the law applicable to contractual obligations (Rome I), including that Regulation as applied by regulation 4 of

(1) 1990 c.36.

(2) Section 4A (disapplication where the rules in the Rome I Regulation apply) was inserted for England, Wales and Northern Ireland by S.I. 2009/3064.

(3) O.J. No. L 177, 4.7.2008, p.6.

(4) 1973 c.52. Section 23A was inserted by the Prescription and Limitation (Scotland) Act 1984 (c.45) and amended by S.S.I. 2008/404.

the Law Applicable to Contractual Obligations (Scotland) Regulations 2009 (conflicts falling within Article 22(2) of Regulation (EC) No. 593/2008), and (b)".

Conflicts falling within Article 22(2) of Regulation (EC) No. 593/2008

4. Notwithstanding Article 22(2) of Regulation (EC) No. 593/2008 of the European Parliament and of the Council on the law applicable to contractual obligations (Rome I), that Regulation shall, with the exception of Article 7 (insurance contracts)(5), apply in the case of conflicts between—

- (a) the laws of different parts of the United Kingdom, or
- (b) the laws of one or more parts of the United Kingdom and Gibraltar,

as it applies in the case of conflicts between the laws of other countries.

St Andrew's House,
Edinburgh
23rd November 2009

KENNY MACASKILL
A member of the Scottish Executive

(5) Implementation of Article 7 of Rome I is dealt with in [S.I. 2009/3075](#).