



# Prescription and Limitation (Scotland) Act 1973

## 1973 CHAPTER 52

### PART I

#### PRESCRIPTION

##### *General*

#### **14 Computation of prescriptive periods.**

- (1) In the computation of a prescriptive period for the purposes of any provision of this Part of this Act—
- (a) time occurring before the commencement of this Part of this Act shall be reckonable towards the prescriptive period in like manner as time occurring thereafter, but subject to the restriction that any time reckoned under this paragraph shall be less than the prescriptive period;
  - (b) any time during which any person against whom the provision is pled was under legal disability shall (except so far as otherwise provided by [<sup>F1</sup>subsection (4) of section 6 of this Act including that subsection as applied by section 8A of this Act] of this Act) be reckoned as if the person were free from that disability;
  - (c) if the commencement of the prescriptive period would, apart from this paragraph, fall at a time in any day other than the beginning of the day, the period shall be deemed to have commenced at the beginning of the next following day;
  - (d) if the last day of the prescriptive period would, apart from this paragraph, be a holiday, the period shall, notwithstanding anything in the said provision, be extended to include any immediately succeeding day which is a holiday, any further immediately succeeding days which are holidays, and the next succeeding day which is not a holiday;

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- (e) save as otherwise provided in this Part of this Act regard shall be had to the like principles as immediately before the commencement of this Part of this Act were applicable to the computation of periods of prescription for the purposes of the <sup>M1</sup>Prescription Act 1617.

<sup>F2</sup>(1A) .....

<sup>F3</sup>(1B) .....

<sup>F4</sup>(1C) .....

<sup>F5</sup>(1D) The prescriptive period calculated in relation to a relevant consumer dispute for the purposes of any provision of this Part of this Act is extended where the last day of the period would, apart from this subsection fall—

- (a) after the date when the non-binding ADR procedure starts but before the date that such a procedure ends;
- (b) on the date that a non-binding ADR procedure in relation to the dispute ends; or
- (c) in the 8 weeks after the date that a non-binding ADR procedure in relation to the dispute ends.

(1E) Where subsection (1D) applies, the prescriptive period is extended so that it expires on the date falling 8 weeks after the date on which the non-binding ADR procedure ends.

(1F) For the purposes of subsections (1D)(a) and (1E), a non-binding ADR procedure starts in relation to a relevant dispute on the date when the dispute is first sent or otherwise communicated to the ADR entity in accordance with the entity’s rules regarding the submission of complaints.

(1G) For the purposes of subsections (1D) and (1E), a non-binding ADR procedure ends on the date that any of the following occurs—

- (a) all of the parties reach an agreement in resolution of the relevant consumer dispute;
- (b) a party completes the notification of the other parties that it has withdrawn from the non-binding ADR procedure;
- (c) a party to whom a qualifying request is made fails to give a response reaching the other parties within 14 days of the request;
- (d) the ADR entity notifies the party that submitted the relevant dispute to the ADR entity that, in accordance with its policy, the ADR entity refuses to deal with the relevant consumer dispute;
- (e) after the parties are notified that the ADR entity can no longer act in relation to the relevant dispute (for whatever reason), the parties fail to agree within 14 days to submit the dispute to an alternative ADR entity;
- (f) the non-binding ADR procedure otherwise comes to an end pursuant to the rules of the ADR entity. ]

(2) In this section—

<sup>F6</sup> ...

<sup>F7</sup>“ADR entity” means a person whose name appears on a list maintained in accordance with regulation 10 of the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015 (S.I. 2015/542);]

<sup>F8</sup> ...

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[<sup>F9</sup>“ADR procedure” means a procedure for the out-of-court resolution of disputes through the intervention of an ADR entity which proposes or imposes a solution or brings the parties together with the aim of facilitating an amicable solution;]

[<sup>F10</sup>“consumer” means an individual acting for purposes which are wholly or mainly outside that individual’s trade, business, craft or profession;]

<sup>F11</sup>  
...

“holiday” means a day of any of the following descriptions, namely, a Saturday, a Sunday and a day which, in Scotland, is a bank holiday under the <sup>M2</sup>Banking and Financial Dealings Act 1971;

<sup>F12</sup>  
...

[<sup>F13</sup>“non-binding ADR procedure” means an ADR procedure the outcome of which is not binding on the parties;

“qualifying request” is a request by a party that another (A) confirm to all parties that A is continuing with the non-binding ADR procedure;

[<sup>F14</sup>“relevant consumer dispute” means a dispute that—

- (a) concerns obligations under a sales contract or a service contract, and
- (b) is between a trader established in the United Kingdom or the European Union and a consumer resident in the United Kingdom,

which the parties attempt to settle by recourse to a non-binding ADR procedure;]

<sup>F15</sup>  
...

[<sup>F16</sup>“sales contract” means a contract under which a trader transfers, or agrees to transfer, the ownership of goods to a consumer and the consumer pays, or agrees to pay, the price, including any contract that has both goods and services as its object;

“service contract” means a contract, other than a sales contract, under which a trader supplies, or agrees to supply, a service to a consumer and the consumer pays, or agrees to pay, the price;

“trader” means a person acting for purposes relating to that person’s trade, business, craft or profession, whether acting personally or through another person acting in the trader’s name or on the trader’s behalf.]

### Textual Amendments

- F1** Words substituted by [Prescription and Limitation \(Scotland\) Act 1984 \(c. 45, SIF 97\)](#), s. 6(1), **Sch. 1 para. 6**
- F2** S. 14(1A) omitted (31.12.2020) by virtue of [The Civil and Family Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/441\)](#), regs. 1(2)(b), **2(2)(a)** (with reg. 7)
- F3** S. 14(1B) omitted (31.12.2020) by virtue of [The Civil and Family Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/441\)](#), regs. 1(2)(b), **2(2)(a)** (with reg. 7)
- F4** S. 14(1C) omitted (31.12.2020) by virtue of [The Civil and Family Justice \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2020 \(S.S.I. 2020/441\)](#), regs. 1(2)(b), **2(2)(a)** (with reg. 7)
- F5** S. 14(1D)-(1G) inserted (9.7.2015) by [The Alternative Dispute Resolution for Consumer Disputes \(Amendment\) Regulations 2015 \(S.I. 2015/1392\)](#), regs. 1(2), **3(2)(a)** (with reg. 1(3))
- F6** Words in s. 14(2) omitted (31.12.2020) by virtue of [The Alternative Dispute Resolution for Consumer Disputes \(Extension of Time Limits for Legal Proceedings\) \(Amendment etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1139\)](#), regs. 1(2), **2(2)(a)** (with reg. 7)

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- F7** Words in s. 14(2) substituted (31.12.2020) by The Alternative Dispute Resolution for Consumer Disputes (Extension of Time Limits for Legal Proceedings) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1139), regs. 1(2), **2(2)(b)** (with reg. 7)
- F8** Definition of 'ADR official' in s. 14(2) omitted (9.1.2016) by virtue of The Alternative Dispute Resolution for Consumer Disputes (Amendment) (No. 2) Regulations 2015 (S.I. 2015/1972), regs. 1, **2(2)**
- F9** Words in s. 14(2) substituted (31.12.2020) by The Alternative Dispute Resolution for Consumer Disputes (Extension of Time Limits for Legal Proceedings) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1139), regs. 1(2), **2(2)(c)** (with reg. 7)
- F10** Words in s. 14(2) inserted (31.12.2020) by The Alternative Dispute Resolution for Consumer Disputes (Extension of Time Limits for Legal Proceedings) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1139), regs. 1(2), **2(2)(d)** (with reg. 7)
- F11** Words in s. 14(2) omitted (31.12.2020) by virtue of The Civil and Family Justice (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/441), regs. 1(2)(b), **2(2)(b)(i)** (with reg. 7)
- F12** Words in s. 14(2) omitted (31.12.2020) by virtue of The Civil and Family Justice (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/441), regs. 1(2)(b), **2(2)(b)(ii)** (with reg. 7)
- F13** Words in s. 14(2) inserted (9.7.2015) by The Alternative Dispute Resolution for Consumer Disputes (Amendment) Regulations 2015 (S.I. 2015/1392), regs. 1(2), **3(2)(b)** (with reg. 1(3))
- F14** Words in s. 14(2) substituted (31.12.2020) by The Alternative Dispute Resolution for Consumer Disputes (Extension of Time Limits for Legal Proceedings) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1139), regs. 1(2), **2(2)(e)** (with reg. 7)
- F15** Words in s. 14(2) omitted (31.12.2020) by virtue of The Civil and Family Justice (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/441), regs. 1(2)(b), **2(2)(b)(iii)** (with reg. 7)
- F16** Words in s. 14(2) inserted (31.12.2020) by The Alternative Dispute Resolution for Consumer Disputes (Extension of Time Limits for Legal Proceedings) (Amendment etc.) (EU Exit) Regulations 2020 (S.I. 2020/1139), regs. 1(2), **2(2)(f)** (with reg. 7)

#### Modifications etc. (not altering text)

- C1** S. 14 applied (with modifications) (4.4.2003 for specified purposes, 28.11.2004 in so far as not already in force) by Title Conditions (Scotland) Act 2003 (asp 9), **ss. 18(4)**, 122(1), 129(2), 129(5)(d) (with ss. 119, 121) (see S.S.I. 2003/456, art. 2)
- C2** S. 14(1)(c) applied by 1998 c. 41, Sch. 8A para. 17(4) (as inserted (9.3.2017) by The Claims in respect of Loss or Damage arising from Competition Infringements (Competition Act 1998 and Other Enactments (Amendment)) Regulations 2017 (S.I. 2017/385), reg. 1(2), **Sch. 1 para. 4** (with Sch. 1 para. 5))
- C3** S. 14(1)(c)(d) applied (9.6.2018) by The Trade Secrets (Enforcement, etc.) Regulations 2018 (S.I. 2018/597), regs. 1(1), **4(6)(c)** (with reg. 19)

#### Marginal Citations

- M1** 1617 c. 12.  
**M2** 1971 c. 80(10).

## 15 Interpretation of Part I.

- (1) In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, namely—

“bill of exchange” has the same meaning as it has for the purposes of the <sup>M3</sup>Bills of Exchange Act 1882;

“date of execution”, in relation to a deed executed on several dates, means the last of those dates;

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“enactment” includes an order, regulation, rule or other instrument having effect by virtue of an Act;

“holiday” has the meaning assigned to it by section 14 of this Act;

<sup>F17</sup>  
...

“land” includes heritable property of any description;

“lease” includes a sub-lease;

“legal disability” means legal disability by reason of nonage or unsoundness of mind;

“possession” includes civil possession, and “possessed” shall be construed accordingly;

“prescriptive period” means a period required for the operation of section 1, 2, 3, 6, 7 [<sup>F18</sup> or 8A] of this Act;

“promissory note” has the same meaning as it has for the purposes of the Bills of Exchange Act 1882;

“trustee” includes any person holding property in a fiduciary capacity for another and, without prejudice to that generality, includes a trustee within the meaning of the <sup>M4</sup>Trusts (Scotland) Act 1921; and “trust” shall be construed accordingly;

and references to the recording of a deed are references to the recording thereof in the General Register of Sasines [<sup>F19</sup> and to the registering of a deed are to the registering thereof in the Land Register of Scotland].

- (2) In this Part of this Act, unless the context otherwise requires, any reference to an obligation or to a right includes a reference to the right or, as the case may be, to the obligation (if any), correlative thereto.
- (3) In this Part of this Act any reference to an enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended or extended, and as including a reference thereto as applied, by or under any other enactment.

#### Textual Amendments

**F17** Words in s. 15(1) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000](#) (asp 5), ss. 71, 77(2), Sch. 12 paras. 33(4), **Sch. 13 Pt. 1** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

**F18** Words substituted by [Prescription and Limitation \(Scotland\) Act 1984](#) (c. 45, SIF 97), s. 6(1), **Sch. 1 para. 7**

**F19** Words in s. 15(1) inserted (8.12.2014) by [Land Registration etc. \(Scotland\) Act 2012](#) (asp 5), ss. 122, 123, **Sch. 5 paras. 18(5)** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2

#### Marginal Citations

**M3** 1882 c. 61(13).

**M4** 1921 c. 58(128).

## 16 Amendments and repeals related to Part I.

- (1) The enactment specified in Part I of Schedule 4 to this Act shall have effect subject to the amendment there specified, being an amendment related to this Part of this Act.
- (2) Subject to the next following subsection, the enactments specified in Part I of Schedule 5 to this Act (which includes certain enactments relating to the limitation of proof) are hereby repealed to the extent specified in column 3 of that Schedule.

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- (3) Where by virtue of any Act repealed by this section the subsistence of an obligation in force at the date of the commencement of this Part of this Act was immediately before that date, by reason of the passage of time, provable only by the writ or oath of the debtor the subsistence of the obligation shall (notwithstanding anything in [F<sup>20</sup>sections 16(1) and 17(2)(a) of the M<sup>5</sup>Interpretation Act 1978], which relates to the effect of repeals) as from that date be provable as if the said repealed Act had not passed.

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**Textual Amendments**

**F20** Words substituted by virtue of [Interpretation Act 1978 \(c. 30, SIF 115:1\)](#), **s. 25(2)**

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**Modifications etc. (not altering text)**

**C4** The text of s. 16(1) and Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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**Marginal Citations**

**M5** [1978 c. 30\(115:1\)](#).

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(4A) inserted by [2018 asp 15 s. 4\(3\)](#)
- s. 7(3)-(5) inserted by [2018 asp 15 s. 6\(2\)\(b\)](#)
- s. 7A inserted by [2018 asp 15 s. 9\(2\)](#)
- s. 8(1A)-(1C) inserted by [2018 asp 15 s. 7\(3\)](#)
- s. 9(1)(e)-(h) inserted by [2018 asp 15 s. 10\(2\)\(b\)](#)
- s. 9(2A) inserted by [2018 asp 15 s. 11\(2\)](#)
- s. 9A inserted by [2018 asp 15 s. 12](#)
- s. 13A inserted by [2018 asp 15 s. 14\(2\)](#)
- s. 22A(3)(d)-(g) inserted by [2018 asp 15 s. 10\(3\)\(b\)](#)
- s. 22A(7A) inserted by [2018 asp 15 s. 14\(3\)](#)
- s. 32(2) applied (with modifications) by [2021 asp 9 s. 69\(8\)](#)
- Sch. 1 para. 1(fa)(fb) inserted by [2018 asp 15 s. 2\(2\)](#)
- Sch. 1 para. 1(h) inserted by [2018 asp 15 s. 3\(2\)\(b\)](#)
- Sch. 1 para. 2(fa)-(fd) inserted by [2018 asp 15 s. 3\(3\)\(b\)](#)
- Sch. 1 para. 1(d)(da) substituted for Sch. 1 para. 1(d) by [2018 asp 15 s. 1\(2\)](#)
- Sch. 1 para. 2(e)(ea) substituted for Sch. 1 para. 2(e) by [2018 asp 15 s. 3\(3\)\(a\)](#)