



Prescription and Limitation (Scotland) Act 1973

1973 CHAPTER 52

PART II

LIMITATION OF ACTIONS

[^{F1}17C Childhood abuse actions: previously litigated rights of action

- (1) This section applies where a right of action in respect of relevant personal injuries has been disposed of in the circumstances described in subsection (2).
- (2) The circumstances are that—
 - (a) prior to the commencement of section 17A, an action of damages was brought in respect of the right of action (“the initial action”), and
 - (b) the initial action was disposed of by the court—
 - (i) by reason of section 17, or
 - (ii) in accordance with a relevant settlement.
- (3) A person may bring an action of damages in respect of the right of action despite the initial action previously having been disposed of (including by way of decree of absolutor).
- (4) In this section—
 - (a) personal injuries are “relevant personal injuries” if they were sustained in the circumstances described in paragraphs (b) and (c) of section 17A(1),
 - (b) a settlement is a “relevant settlement” if—
 - (i) it was agreed by the parties to the initial action,
 - (ii) the pursuer entered into it under the reasonable belief that the initial action was likely to be disposed of by the court by reason of section 17, and

Changes to legislation: Prescription and Limitation (Scotland) Act 1973, Section 17C is up to date with all changes known to be in force on or before 20 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (iii) any sum of money which it required the defender to pay to the pursuer, or to a person nominated by the pursuer, did not exceed the pursuer's expenses in connection with bringing and settling the initial action.
- (5) The condition in subsection (4)(b)(iii) is not met if the terms of the settlement indicate that the sum payable under it is or includes something other than reimbursement of the pursuer's expenses in connection with bringing and settling the initial action.]

Textual Amendments

- F1** Ss. 17A-17D inserted (4.10.2017) by [Limitation \(Childhood Abuse\) \(Scotland\) Act 2017 \(asp 3\)](#), **ss. 1, 2(2)**; S.S.I. 2017/279, reg. 2

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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\(3\)\(a\)](#)