



# Limitation (Enemies and War Prisoner) Act 1945

1945 CHAPTER 16 8 and 9 Geo 6

## 4 Application to Scotland.

In the application of this Act to Scotland—

- (a) for subsection (1) of section one the following subsection shall be substituted:

“(1) If, during any period of less than ten years prescribed by any of the enactments hereinafter referred to as the period within which any action or diligence must be raised or executed or on the expiry of which any limitation on the mode of proof in any action becomes operative or any obligation is extinguished, any person who would have been a necessary party to such action or who was a party to such obligation was an enemy or was detained in enemy territory, the period so prescribed shall be deemed not to have run while the said person was an enemy or was so detained and shall in no case expire before the end of twelve months from the date when he ceased to be an enemy or to be so detained or from the date of the passing of this Act whichever is the later:

Provided that where any person was only an enemy as respects a business carried on in enemy territory, this section shall only apply so far as that person is concerned to actions or obligations arising in the course of that business.

The enactments hereinbefore referred to are—

[<sup>F1</sup>section 6 of the Prescription and Limitation (Scotland) Act 1973],

<sup>F2</sup> . . .

<sup>F2</sup> . . .

..... <sup>F3</sup>

section eight of the Maritime Conventions Act 1911,

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**Changes to legislation:** There are currently no known outstanding effects for the Limitation (Enemies and War Prisoner) Act 1945, Section 4. (See end of Document for details)

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[<sup>F4</sup>Rule 6 of Article III of the Schedule to the Carriage of Goods by Sea Act 1971],

.....<sup>F5</sup>,  
.....<sup>F6</sup>

[<sup>F7</sup>sections 8A and 17 of the Prescription and Limitation (Scotland) Act 1973],

- (b) in subsection (3) of section one after the words “necessary party” there shall be inserted the words “or was a party to such obligation.”

#### Textual Amendments

- F1** Words substituted by [Prescription and Limitation \(Scotland\) Act 1973 \(c. 52\)](#), [Sch. 4 Pt. I](#)
- F2** Reference to s. 4 of the Employers' Liability Act 1880 and reference to s. 1 of the Public Authorities Protection Act 1893 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. 1](#) Group1.
- F3** Words repealed by [Copyright, Designs and Patents Act 1988 \(c. 48, SIF 67A\)](#), s. 303(2), [Sch. 8](#)
- F4** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), s. [17\(2\)\(a\)](#)
- F5** Words repealed by [Consumer Credit Act 1974 \(c. 39\)](#), s. 192(4), [Sch. 5](#)
- F6** Words repealed by Carriage by [Air Act 1961 \(c. 27\)](#), [Sch. 2](#)
- F7** Words substituted by virtue of [Prescription and Limitation \(Scotland\) Act 1984 \(c. 45, SIF 97\)](#), s. 6(1), [Sch. 1 para. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the *Limitation (Enemies and War Prisoner) Act 1945*, Section 4.