



Contract (Third Party Rights) (Scotland) Act 2017

2017 asp 5

11 Abolition of common-law rule: *jus quaesitum tertio*

- (1) The rule of law by which a person who is not a party to a contract may acquire a right to enforce or otherwise invoke the contract's terms does not apply in relation to contracts constituted on or after the day this section comes into force.
- (2) If a contract constituted before this section comes into force is modified so that an undertaking it contains gives rise to a third-party right under section 1, a person who may enforce or otherwise invoke the undertaking by virtue of that right may not do so by virtue of any right acquired by operation of the rule of law mentioned in subsection (1).
- (3) A right rendered unenforceable by subsection (2) remains incapable of being enforced or invoked notwithstanding—
 - (a) its transfer to another person, or
 - (b) the third-party right under section 1 referred to in that subsection being relinquished (whether by transfer, waiver or otherwise).