

Status: This version of this provision is prospective.

Changes to legislation: Prescription (Scotland) Act 2018, Section 14 is up to date with all changes known to be in force on or before 29 December 2023. 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



Prescription (Scotland) Act 2018

2018 asp 15

Miscellaneous

PROSPECTIVE

14 Burden of proof **S**

- (1) The 1973 Act is amended as follows.
- (2) After section 13 insert—

“13A Burden of proof

- (1) This section applies in relation to—
 - (a) an obligation to which a prescriptive period under section 6, 7 or 8A applies, and
 - (b) a right to which the prescriptive period under section 8 applies.
- (2) If a question arises as to whether the obligation or right has been extinguished by the expiry of the applicable prescriptive period, it is to be presumed that the obligation or right has been so extinguished unless the contrary is proved by the creditor.”.
- (3) In section 22A (prescription of obligations under Part 1 of the Consumer Protection Act 1987), after subsection (7) insert—

“(7A) Section 13A of this Act applies in relation to an obligation to which the prescriptive period under this section applies as it applies in relation to the obligations and rights referred to in subsection (1) of that section.”.

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Changes and effects yet to be applied to :

- s. 14 coming into force by [S.S.I. 2022/78 reg. 2\(1\)](#)