

Status: This version of this provision is prospective.

Changes to legislation: Prescription (Scotland) Act 2018, Section 4 is up to date with all changes known to be in force on or before 26 May 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

5-year negative prescription

PROSPECTIVE

4 Effect of fraud or error on computation of prescriptive period

- (1) Section 6 (extinction of obligations by prescriptive periods of five years) of the 1973 Act is amended as follows.
- (2) In subsection (4), for “was induced to refrain from making” substitute “ failed to make ”.
- (3) After subsection (4) insert—

“(4A) For the purposes of subsection (4)(a), it does not matter whether the debtor, or the person acting on the debtor's behalf, intended the fraud or the words or conduct to cause the creditor to fail to make a relevant claim.”.

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Changes and effects yet to be applied to :

- s. 4 coming into force by [S.S.I. 2022/78 reg. 2\(1\)](#)