

Status: This version of this provision is prospective.

Changes to legislation: Prescription (Scotland) Act 2018, Section 6 is up to date with all changes known to be in force on or before 13 July 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

20-year negative prescription

PROSPECTIVE

6 Obligations: 20-year prescriptive period and extension

- (1) The 1973 Act is amended as follows.
- (2) In section 7 (extinction of obligations by prescriptive periods of twenty years)—
 - (a) for subsection (1) substitute—

“(1) An obligation to which this section applies is extinguished on the expiry of the continuous period of 20 years after the date on which the obligation became enforceable.”,
 - (b) after subsection (2) insert—

“(3) Subsection (4) applies if—

 - (a) a relevant claim is made in relation to an obligation to which this section applies,
 - (b) the claim is made before the time at which the prescriptive period mentioned in subsection (1) would, but for subsection (4), expire, and
 - (c) at that time—
 - (i) the claim has not been finally disposed of, and
 - (ii) the proceedings in which the claim is made have not otherwise come to an end.
- (4) The prescriptive period is extended so that it expires—
 - (a) when the claim is finally disposed of, or
 - (b) when the proceedings in which the claim is made come to an end (where the proceedings come to an end without the claim having been finally disposed of).

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(5) In subsections (3) and (4), the references to proceedings in which a relevant claim is made include references to any other process in or by which a relevant claim is made.”

- (3) In section 10 (relevant acknowledgement for purposes of sections 6 and 7)—
- (a) in each of subsections (1), (2)(a) and (3), for “sections 6 7 and 8A” substitute “ sections 6 and 8A ”,
 - (b) in the section title, for “7” substitute “ 8A ”.

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Changes and effects yet to be applied to :

- s. 6 coming into force by [S.S.I. 2022/78 reg. 2\(1\)](#)