

## SCHEDULE

Section 20

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *Prescription and Limitation (Scotland) Act 1973 (c. 52)*

- 1 In section 17 of the Prescription and Limitation (Scotland) Act 1973 (actions in respect of personal injuries not resulting in death), after subsection (1) insert—
  - “(1A) This section does not apply to an action of damages in respect of personal injuries to which section 18ZA applies.”
- 2 In section 18 of that Act (actions where death has resulted from personal injuries), after subsection (1) insert—
  - “(1A) This section does not apply to an action of damages in respect of personal injuries or death to which section 18ZA applies.”
- 3 After that section insert—

#### **“18ZA Actions under section 2 of the Automated and Electric Vehicles Act 2018**

- (1) This section applies to an action of damages under section 2 of the 2018 Act (liability of insurers etc where accident caused by automated vehicle).
- (2) An action may not be brought after the expiry of the period of 3 years beginning with—
  - (a) the date of the accident mentioned in subsection (1) or (as the case may be) subsection (2) of that section, or
  - (b) where subsection (3) applies, the date on which the person who sustained the injuries first became aware of the facts mentioned in subsection (4) (if later).
- (3) This subsection applies where the damages claimed consist of or include damages in respect of personal injuries (to the pursuer or any other person).
- (4) The facts are—
  - (a) that the injury in question was significant;
  - (b) that the injury was attributable in whole or in part to an accident caused by an automated vehicle when driving itself; and
  - (c) the identity of the insurer of the vehicle (in the case of an action under section 2(1) of the 2018 Act) or the owner of the vehicle (in the case of an action under section 2(2) of that Act).
- (5) Expressions used in subsection (4) that are defined for the purposes of Part 1 of the 2018 Act have the same meaning in that subsection as in that Part.
- (6) In the computation of the period specified in subsection (2) above any time during which the person who sustained the injuries was under legal disability by reason of nonage or unsoundness of mind is to be disregarded.
- (7) If a person injured in the accident dies before the expiry of the period mentioned in subsection (2) above, an action may not be brought after the expiry of the period of 3 years beginning with—

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- (a) the date of death of the person, or
  - (b) where subsection (3) applies, the date on which the pursuer first became aware of the facts mentioned in subsection (4) (if later).
- (8) Where an action has not been brought before the expiry of the period mentioned in subsection (2) above and the person subsequently dies in consequence of injuries sustained in the accident, an action may not be brought in respect of those injuries or that death.
- (9) Subsection (10) applies if a person injured in the accident dies and the person seeking to bring the action is a relative of the deceased.
- (10) In the computation of the period specified in subsection (7) any time during which the relative was under legal disability by reason of nonage or unsoundness of mind is to be disregarded.
- (11) In this section—  
     “the 2018 Act” means the Automated and Electric Vehicles Act 2018;  
     “relative” has the same meaning as in the Damages (Scotland) Act 2011.

#### **18ZB Section 18ZA: extension of limitation periods**

- (1) Subsection (2) applies where a person would be entitled, but for section 18ZA, to bring an action other than one in which the damages claimed are confined to damages for loss of or damage to property.
- (2) The court may, if it seems to it equitable to do so, allow the person to bring the action despite that section.

#### **18ZC Actions under section 5 of the Automated and Electric Vehicles Act 2018**

- (1) Subsection (2) applies where, by virtue of section 5 of the Automated and Electric Vehicles Act 2018 (right of insurer etc to claim against person responsible for accident), an insurer or vehicle owner becomes entitled to bring an action against any person.
  - (2) The action may not be brought after the expiry of the period of 2 years beginning with the date on which the right of action accrued (under subsection (5) of that section).”
- 4 In section 19CA of that Act (interruption of limitation period: arbitration), in subsection (1), after “18(2),” insert “18ZA(2) or (7), 18ZC(2),”.
- 5 In section 19F of that Act (extension of limitation periods: cross-border mediation), in subsection (1), after “18,” insert “18ZA, 18ZC,”.
- 6 In section 22 of that Act (interpretation of Part 2 and supplementary provisions), in subsection (2)—
- (a) for “or 18A” substitute “, 18A or 18ZA”;
  - (b) after “the said section 18A” insert “or subsection (3) or (7)(b) of the said section 18ZA”.

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- 7 In Schedule 1 to that Act (obligations affected by prescriptive periods of 5 years under section 6), in paragraph 2, after sub-paragraph (g) insert—
- “(ga) to any obligation to make reparation arising from liability under section 2 of the Automated and Electric Vehicles Act 2018 (liability of insurer etc. where accident caused by automated vehicle);”.

#### *Limitation Act 1980 (c. 58)*

- 8 In section 9 of the Limitation Act 1980 (time limit for actions for sums recoverable by statute), in subsection (2), after “section 10” insert “or 10A”.
- 9 After section 10 of that Act insert—

#### **“10A Special time limit for actions by insurers etc in respect of automated vehicles**

- (1) Where by virtue of section 5 of the Automated and Electric Vehicles Act 2018 an insurer or vehicle owner becomes entitled to bring an action against any person, the action shall not be brought after the expiration of two years from the date on which the right of action accrued (under subsection (5) of that section).
- (2) An action referred to in subsection (1) shall be one to which sections 32, 33A and 35 of this Act apply, but otherwise Parts 2 and 3 of this Act (except sections 37 and 38) shall not apply for the purposes of this section.”
- 10 In the italic heading before section 11 of that Act, after “personal injuries or death” insert “etc”.
- 11 After section 11A of that Act insert—

#### **“11B Actions against insurers etc of automated vehicles**

- (1) None of the time limits given in the preceding provisions of this Act shall apply to an action for damages under section 2 of the Automated and Electric Vehicles Act 2018 (liability of insurer etc where accident caused by automated vehicle).
- But this subsection does not affect the application of section 5A of this Act.
- (2) An action for damages against an insurer under subsection (1) of section 2 of the Automated and Electric Vehicles Act 2018 (including an action by an insured person under a contract of insurance in respect of the insurer’s obligations under that section) shall not be brought after the expiration of the period of three years from—
- (a) the date of the accident referred to in that subsection; or
- (b) where subsection (3) below applies, the date of knowledge of the person injured (if later).
- (3) This subsection applies where the damages claimed consist of or include damages in respect of personal injuries (to the claimant or any other person).
- (4) An action for damages against the owner of a vehicle under subsection (2) of that section shall not be brought after the expiration of the period of three years from—

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- (a) the date of the accident referred to in that subsection; or
  - (b) where subsection (3) above applies, the date of knowledge of the person injured (if later).
- (5) If a person injured in the accident dies before the expiration of the period mentioned in subsection (2) or (4) above, the period applicable as respects the cause of action surviving for the benefit of the person's estate by virtue of section 1 of the Law Reform (Miscellaneous Provisions) Act 1934 shall be three years from—
- (a) the date of death; or
  - (b) where subsection (3) above applies, the date of the personal representative's knowledge (if later).
- (6) If there is more than one personal representative, and their dates of knowledge are different, subsection (5)(b) above shall be read as referring to the earliest of those dates.
- (7) In this section "personal representative" has the same meaning as in section 11 of this Act."
- 12 In section 12 of that Act (special time limit for actions under Fatal Accidents legislation), in subsection (1), for "or 11A" substitute ", 11A or 11B".
- 13 (1) Section 14 of that Act (definition of date of knowledge for purposes of sections 11 and 12) is amended as follows.
- (2) In the heading, for "sections 11 and 12" substitute "sections 11 to 12".
  - (3) In subsection (1), for "subsection (1A)" substitute "subsections (1A) and (1B)".
  - (4) After subsection (1A) insert—
- “(1B) In section 11B of this Act and in section 12 of this Act so far as that section applies to an action by virtue of section 6(1)(a) of the Automated and Electric Vehicles Act 2018 (“the 2018 Act”) (death caused by automated vehicle) references to a person's date of knowledge are references to the date on which he first had knowledge of the following facts—
- (a) that the injury in question was significant; and
  - (b) that the injury was attributable in whole or in part to an accident caused by an automated vehicle when driving itself; and
  - (c) the identity of the insurer of the vehicle (in the case of an action under section 2(1) of the 2018 Act) or the owner of the vehicle (in the case of an action under section 2(2) of that Act).
- Expressions used in this subsection that are defined for the purposes of Part 1 of the 2018 Act have the same meaning in this subsection as in that Part.”
- 14 In section 28 of that Act (extension of limitation period in case of disability), in subsection (6), after "section 11" insert ", 11B".
- 15 (1) Section 32 of that Act (postponement of limitation period in case of concealment etc) is amended as follows.
- (2) In subsection (1), for "and (4A)" substitute ", (4A) and (4B)".
  - (3) After subsection (4A) insert—

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“(4B) Subsection (1) above shall not apply in relation to the time limit prescribed by section 11B(2) or (4) of this Act or in relation to that time limit as applied by virtue of section 12(1) of this Act.”

16 (1) Section 33 of that Act (discretionary exclusion of time limit) is amended as follows.

(2) In subsection (1), in paragraph (a), for “or 11A” substitute “, 11A, 11B”.

(3) After subsection (1A) insert—

“(1B) Where the damages claimed are confined to damages for loss of or damage to any property, the court shall not under this section disapply any provision in its application to an action under section 2 of the Automated and Electric Vehicles Act 2018.”

(4) In subsections (2) and (4), for “or subsection (4) of section 11A” substitute “, 11A(4) or 11B(2) or (4)”.

(5) In subsection (3)(b), after “section 11A” insert “, by section 11B”.

(6) In subsection (8), for “or 11A” substitute “, 11A or 11B”.

#### *Road Traffic Act 1988 (c. 52)*

17 In section 143 of the Road Traffic Act 1988 (users of motor vehicles to be insured or secured against third-party risks), after subsection (1) insert—

“(1A) In the application of this Part to automated vehicles—

- (a) subsection (1) above has effect with the omission of the words “or such a security in respect of third party risks” in paragraphs (a) and (b);
- (b) this Part has effect with the omission of sections 146 and 147(2);
- (c) any other references to a security or certificate of security in this Act are to be ignored.”

18 In section 144 of that Act (exceptions from requirement of third-party insurance etc), in subsection (1), after “does not apply to a vehicle” insert “, other than an automated vehicle”.

19 (1) Section 145 of that Act (requirements in respect of policies of insurance) is amended as follows.

(2) After subsection (3) insert—

“(3A) In the case of an automated vehicle, the policy must also provide for the insurer’s obligations to an insured person under section 2(1) of the Automated and Electric Vehicles Act 2018 (liability of insurers etc where accident caused by automated vehicle) to be obligations under the policy.

In this subsection “insured person” means a person who is covered under the policy for using the vehicle on a road or public place in Great Britain.”

(3) At the end of subsection (4) insert—

“Paragraph (a) does not apply where the vehicle in question is an automated vehicle.”

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20 In section 161 of that Act (interpretation), in subsection (1), at the appropriate place insert—

““automated vehicle” means a vehicle listed by the Secretary of State under section 1 of the Automated and Electric Vehicles Act 2018,”.

21 In section 162 of that Act (index to Part 6), at the appropriate place in the table insert—

“Automated vehicle	section 161(1)”.
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