



# Prescription and Limitation (Scotland) Act 1973

## CHAPTER 52

### PRESCRIPTION AND LIMITATION (SCOTLAND) ACT 1973

#### PART I

#### PRESCRIPTION

##### *Positive prescription*

- 1 Validity of right
- 2 Special cases
- 3 Positive servitudes and public rights of way.
- 4 Judicial interruption of periods of possession for purposes of sections 1, 2 and 3.
- 5 Further provisions supplementary to sections 1, 2 and 3.

##### *Negative Prescription*

- 6 Extinction of obligations by prescriptive periods of five years.
- 7 Extinction of obligations by prescriptive periods of twenty years.
- 8 Extinction of other rights relating to property by prescriptive periods of twenty years.
- 8A Extinction of obligations to make contributions between wrongdoers.
- 9 †Definition of “relevant claim” for purposes of sections 6, 7 and 8.
- 10 †Relevant acknowledgment for purposes of sections 6 and 7.
- 11 Obligations to make reparation.
- 12 Savings.
- 13 Restrictions on contracting out

*Status: Point in time view as at 04/01/2024.*

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### *General*

- 14 Computation of prescriptive periods.
- 15 Interpretation of Part I.
- 16 Amendments and repeals related to Part I.

## **PART II**

### LIMITATION OF ACTIONS

- 16A Part II not to extend to product liability.
- 17 Actions in respect of personal injuries not resulting in death.
- 17A Actions in respect of personal injuries resulting from childhood abuse
- 17B Childhood abuse actions: previously accrued rights of action
- 17C Childhood abuse actions: previously litigated rights of action
- 17D Childhood abuse actions: circumstances in which an action may not proceed
- 18 Actions where death has resulted from personal injuries.
- 18ZA Actions under section 2 of the Automated and Electric Vehicles Act 2018
- 18ZB Section 18ZA: extension of limitation periods
- 18ZC Actions under section 5 of the Automated and Electric Vehicles Act 2018
- 18ZD Actions relating to construction products
- 18A Limitation of defamation and other actions.
- 18B Actions of harassment.
- 19A Power of court to override time-limits etc.
- 19AA Restriction of court's power to override time-limits: overseas armed forces actions
- 19B Actions for recovery of property obtained through unlawful conduct etc.
- 19BA Actions to prohibit dealing with property subject to an external request
- 19C Actions for recovery of property for the purposes of an external order
- 19CA Interruption of limitation period: arbitration
- 19CB Interruption of section 18A(1) limitation period: mediation
- 19CC Interruption of section 18A(1) limitation period: media complaints and expert determination
- 19D Actions for exploitation proceeds orders
- 19F Extension of limitation periods: cross-border mediation
- 20, 21 Limitation of Actions
- 22 Interpretation of Part II and supplementary provisions.

## **PART IIA**

### PREScription OF OBLIGATIONS AND LIMITATION OF ACTIONS UNDER PART I OF THE CONSUMER PROTECTION ACT 1987

#### *Prescription of Obligations*

- 22A Ten years' prescription of obligations.

#### *Limitation of actions*

- 22B 3 year limitation of actions.
- 22C Actions under the 1987 Act where death has resulted from personal injuries.

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- 22CA Interruption of limitation period for 1987 Act actions: arbitration
- 22CB Extension of limitation periods for 1987 Act actions: mediation

*Supplementary*

- 22D Interpretation of this Part.
- 23 .....

**PART III**

SUPPLEMENTAL

- 23A Private international law application.
- 23B Overseas armed forces actions: restriction of foreign prescription and limitation law
- 23C Actions relating to the Northern Ireland Troubles
  - 24 The Crown.
  - 25 Short title, commencement and extent.

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**SCHEDULES**

**SCHEDULE 1 — Obligations Affected by Prescriptive Periods of Five Years under Section 6**

- 1 Subject to paragraph 2 below, section 6 of this Act...
- 2 Notwithstanding anything in the foregoing paragraph, section 6 of this...
- 3 .....
- 4 In this Schedule, “ title condition ” shall be construed...

**SCHEDULE 2 — Appropriate Dates for Certain Obligations for Purposes of Section 6**

- 1 (1) This paragraph applies to any obligation, not being part...
- 2 (1) This paragraph applies to any obligation to repay the...
- 3 (1) This paragraph applies to any obligation under a contract...
- 4 (1) This paragraph applies to any obligation—

**SCHEDULE 3 — Rights and Obligations which are Imprescriptible for the Purposes of Sections 7 and 8 and Schedule 1**

The following are imprescriptible rights and obligations for the purposes...

**SCHEDULE 4 — ENACTMENTS AMENDED**

**PART I — AMENDMENT TAKING EFFECT ON EXPIRATION OF THREE YEARS FROM PASSING OF THIS ACT**

*The Limitation (Enemies and War Prisoners) Act 1945 (8 & 9 Geo. 6 c. 16)*

In subsection (1) of section 1, as substituted for Scotland...

**PART II — AMENDMENTS TAKING EFFECT ON PASSING OF THIS ACT**

...

*The Carriage by Air Act 1961 (9 & 10 Eliz. 2. c. 27)*

In section 11(c), for the words “section six of the...

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*The Law Reform (Miscellaneous Provisions) Act 1971 (1971 c. 43)*

In section 4(2), for the words “section 6 of the...

SCHEDULE 5 — REPEALS

PART I — REPEALS COMING INTO FORCE ON EXPIRATION OF  
THREE YEARS FROM PASSING OF THIS ACT

PART II — REPEALS COMING INTO FORCE ON PASSING OF THIS  
ACT

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