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SCHEDULES

SCHEDULE 1

OBLIGATIONS AFFECTED BY PRESCRIPTIVE PERIODS OF FIVE YEARS UNDER SECTION 6

Modifications etc. (not altering text)

- C1** Sch. 1 excluded (*prosp.*) by 2000 asp 5, ss. 57, 77(2) (with ss. 58, 62, 75)
C2 Sch. 1 excluded (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 57, 71, 77(2) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

- 1 Subject to paragraph 2 below, section 6 of this Act applies—
- (a) to any obligation to pay a sum of money due in respect of a particular period—
 - (i) by way of interest;
 - (ii) by way of an instalment of an annuity;
 - ^{F1}(iii)
 - ^{F1}(iv)
 - (v) by way of rent or other periodical payment under a lease;
 - (vi) by way of a periodical payment in respect of the occupancy or use of land, not being an obligation falling within any other provision of this sub-paragraph;
 - (vii) by way of a periodical payment under a [^{F2}title condition], not being an obligation falling within any other provision of this sub-paragraph;
 - ^{F3}(aa) to any obligation to make a compensatory payment (“ compensatory payment ” being construed in accordance with section 8(1) of the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), including that section as read with section 56 of that Act);]
 - ^{F4}(aa) to any obligation to pay compensation by virtue of section 2 of the Leasehold Casualties (Scotland) Act 2001 (asp 5);]
 - (b) to any obligation based on redress of unjustified enrichment, including without prejudice to that generality any obligation of restitution, repetition or recompense;
 - (c) to any obligation arising from *negotiorum gestio*;
 - (d) to any obligation arising from liability (whether arising from any enactment or from any rule of law) to make reparation;
 - ^{F5}(dd) to any obligation arising by virtue of section 7A(1) of the Criminal Injuries Compensation Act 1995 (recovery of compensation from offenders: general);]
 - (e) to any obligation under a bill of exchange or a promissory note;
 - (f) to any obligation of accounting, other than accounting for trust funds;

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- (g) to any obligation arising from, or by reason of any breach of, a contract or promise, not being an obligation falling within any other provision of this paragraph.
- [^{F6}(ab) to any obligation arising by virtue of a right—
 - (i) of reversion under the third proviso to section 2 of the School Sites Act 1841 (4 & 5 Vict. c.38) (or of reversion under that proviso as applied by virtue of any other enactment);
 - (ii) to petition for a declaration of forfeiture under section 7 of the Entail Sites Act 1840 (3 & 4 Vict. c.48);]
- [^{F7}(ac) to any obligation to pay a sum of money by way of costs to which section 12 of the Tenements (Scotland) Act 2004 (asp 11) applies;]

Textual Amendments

- F1** Sch. 1 para. 1(a)(iii)(iv) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), [Sch. 12 para. 33\(5\)\(a\)](#), **Sch. 13 Pt. 1** (with ss. 34, 58, 62, 75); S.S.I. 2003/456, art. 2
- F2** Words in Sch. 1 para. 1(a)(vii) substituted (28.11.2004) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), ss. 122(1), 129(2), **Sch. 14 para. 5(3)(a)** (with ss. 119, 121) (see S.S.I. 2003/456, art. 2)
- F3** Sch. 1 para. 1(aa) inserted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 12(a), 71, 77(2) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F4** Sch. 1 para. 1(aa) inserted (12.4.2001) by [2001 asp 5](#), s. 4(a) (with ss. 9, 11(2))
- F5** Sch. 1 para. 1(dd) inserted (8.12.2005) by [Management of Offenders etc. \(Scotland\) Act 2005 \(asp 14\)](#), ss. 20(4), 24(1)
- F6** Sch. 1 para. 1(ab) inserted (4.4.2003 except for the insertion of Sch. 1 para. 1(ab)(ii), 28.11.2004 in so far as not already in force) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), ss. 88(a), 122(1), 129(2), 129(3) (with ss. 119, 121) (see S.S.I. 2003/456, art. 2)
- F7** Sch. 1 para. 1(ac) inserted (28.11.2004) by [Tenements \(Scotland\) Act 2004 \(asp 11\)](#), ss. 15(a), 34(2) (with s. 33); S.S.I. 2004/487, art. 2(1)(c)

- 2 Notwithstanding anything in the foregoing paragraph, section 6 of this Act does not apply—
 - (a) to any obligation to recognise or obtemper a decree of court, an arbitration award or an order of a tribunal or authority exercising jurisdiction under any enactment;
 - (b) to any obligation arising from the issue of a bank note;
 - ^{F8}(c)
 - (d) to any obligation under a contract of partnership or of agency, not being an obligation remaining, or becoming, prestable on or after the termination of the relationship between the parties under the contract;
 - (e) except as provided in paragraph 1(a) [^{F9}or (aa)] [^{F10}, (aa) [^{F11}, (ab) or (ac)]] of this Schedule, to any obligation relating to land (including an obligation to recognise a servitude);
 - [^{F12}(ee) so as to extinguish, before the expiry of the continuous period of five years which immediately follows the coming into force of section 88 of the Title Conditions (Scotland) Act 2003 (asp 9) (prescriptive period for obligations arising by virtue of 1841 Act or 1840 Act), an obligation mentioned in subparagraph (ab) of paragraph 1 of this Schedule;]
 - (f) to any obligation to satisfy any claim to ^{F13}... *legitim,jus relictiorjus relictæ*, or to any prior right of a surviving spouse under section 8 or 9 of the ^{M1}Succession (Scotland) Act 1964;

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- (g) to any obligation to make reparation in respect of personal injuries within the meaning of Part II of this Act or in respect of the death of any person as a result of such injuries;
- [^{F14}(gg) to any obligation to make reparation or otherwise make good in respect of defamation within the meaning of section 18A of this Act;]
- [^{F15}(ggg) to any obligation arising from liability under section 2 of the Consumer Protection Act 1987 (to make reparation for damage caused wholly or partly by a defect in a product);]
- (h) to any obligation specified in Schedule 3 to this Act as an imprescriptible obligation.

Textual Amendments

- F8** Sch. 1 para. 2(c) repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), **Sch. 5** (with ss.9(3)(5)(7), 13, 14(3))
- F9** Words in Sch. 1 para. 2(e) inserted (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), **ss. 12(b), 71, 77(2)** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F10** Words in Sch. 1 para. 2(e) substituted (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), **ss. 88(b)(i), 129(3)** (with ss. 119, 121)
- F11** Words in Sch. 1 para. 2(e) substituted (28.11.2004) by Tenements (Scotland) Act 2004 (asp 11), **ss. 15(b), 34(2)** (with s. 33); S.S.I. 2004/487, art. 2(1)(c)
- F12** Sch. 1 para. 2(ee) inserted (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), **ss. 88(b)(ii), 129(3)** (with ss. 119, 121)
- F13** Words in Sch. 1 para. 2(f) repealed (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), **ss. 71, 77(2), Sch. 12 paras. 33(5)(b), Sch. 13 Pt. 1** (with ss. 34, 58, 62, 75); S.S.I. 2003/456, art. 2
- F14** Sch. 1 para. 2(gg) inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 36:1), **s. 12(5)**
- F15** Sch. 1 para. 2(ggg) inserted by Consumer Protection Act 1987 (c. 43, SIF 109:1), **ss. 6, 41(2), 47(1)(2), Sch. 1 para. 11**

Marginal Citations

- M1** 1964 c. 41(116:2).

^{F163}

Textual Amendments

- F16** Sch. 1 para. 3 repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), **Sch.5** (with ss. 9(3)(5)(7), 13, 14(3))

[^{F174} In this Schedule, “ title condition ” shall be construed in accordance with section 122(1) of the Title Conditions (Scotland) Act 2003 (asp 9).]

Textual Amendments

- F17** Sch. 1 para. 4 substituted (28.11.2004) by Title Conditions (Scotland) Act 2003 (asp 9), **ss. 122(1), 129(2), Sch. 14 para. 5(3)(b)** (with ss. 119, 121) (see S.S.I. 2003/456, art. 2)

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SCHEDULE 2

APPROPRIATE DATES FOR CERTAIN OBLIGATIONS FOR PURPOSES OF SECTION 6

- 1 (1) This paragraph applies to any obligation, not being part of a banking transaction, to pay money in respect of—
- (a) goods supplied on sale or hire, or
 - (b) services rendered,
- in a series of transactions between the same parties (whether under a single contract or under several contracts) and charged on continuing account.
- (2) In the foregoing sub-paragraph—
- (a) any reference to the supply of goods on sale includes a reference to the supply of goods under a hire-purchase agreement, a credit-sale agreement or a conditional sale agreement as defined (in each case) by section 1 of the ^{M2}Hire-Purchase (Scotland) Act 1965; and
 - (b) any reference to services rendered does not include the work of keeping the account in question.
- (3) Where there is a series of transactions between a partnership and another party, the series shall be regarded for the purposes of this paragraph as terminated (without prejudice to any other mode of termination) if the partnership or any partner therein becomes bankrupt; but, subject to that, if the partnership (in the further provisions of this sub-paragraph referred to as “the old partnership”) is dissolved and is replaced by a single new partnership having among its partners any person who was a partner in the old partnership, then, for the purposes of this paragraph, the new partnership shall be regarded as if it were identical with the old partnership.
- (4) The appropriate date in relation to an obligation to which this paragraph applies is the date on which payment for the goods last supplied, or, as the case may be, the services last rendered, became due.

Modifications etc. (not altering text)

C3 Sch. 2 para. 1(2)(a): Hire-Purchase (Scotland) Act 1965 (c. 67) repealed by Consumer Credit Act 1974 (c. 39, SIF 60), s. 192(3), **Sch. 5** and Interpretation Act 1978 (c. 30, SIF 115:1), s. **17(2)(a)** applies

Marginal Citations

M2 1965 c. 67.

- 2 (1) This paragraph applies to any obligation to repay the whole, or any part of, a sum of money lent to, or deposited with, the debtor under a contract of loan or, as the case may be, deposit.
- (2) The appropriate date in relation to an obligation to which this paragraph applies is—
- (a) if the contract contains a stipulation which makes provision with respect to the date on or before which repayment of the sum or, as the case may be, the part thereof is to be made, the date on or before which, in terms of that stipulation, the sum or part thereof is to be repaid; and
 - (b) if the contract contains no such stipulation, but a written demand for repayment of the sum, or, as the case may be, the part thereof, is made by or on behalf of the creditor to the debtor, the date when such demand is made or first made.

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- 3 (1) This paragraph applies to any obligation under a contract of partnership or of agency, being an obligation remaining, or becoming, prestable on or after the termination of the relationship between the parties under the contract.
- (2) The appropriate date in relation to an obligation to which this paragraph applies is—
- (a) if the contract contains a stipulation which makes provision with respect to the date on or before which performance of the obligation is to be due, the date on or before which, in terms of that stipulation, the obligation is to be performed; and
 - (b) in any other case the date when the said relationship terminated.
- 4 (1) This paragraph applies to any obligation—
- (a) to pay an instalment of a sum of money payable by instalments, or
 - (b) to execute any instalment of work due to be executed by instalments, not being an obligation to which any of the foregoing paragraphs applies.
- (2) The appropriate date in relation to an obligation to which this paragraph applies is the date on which the last of the instalments is due to be paid or, as the case may be, to be executed.

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 of sections 7(2) and 8(2) of, and paragraph 2(h) of Schedule 1 to, this Act, namely—

- (a) any real right of ownership in land;
- (b) the right in land of the lessee under a recorded lease;
- (c) any right exercisable as a *res merae facultatis*;
- (d) any right to recover property *extra commercium*;
- (e) any obligation of a trustee—
 - (i) to produce accounts of the trustee's intromissions with any property of the trust;
 - (ii) to make reparation or restitution in respect of any fraudulent breach of trust to which the trustee was a party or was privy;
 - (iii) to make furthcoming to any person entitled thereto any trust property, or the proceeds of any such property, in the possession of the trustee, or to make good the value of any such property previously received by the trustee and appropriated to his own use;
- (f) any obligation of a third party to make furthcoming to any person entitled thereto any trust property received by the third party otherwise than in good faith and in his possession;
- (g) any right to recover stolen property from the person by whom it was stolen or from any person privy to the stealing thereof;
- (h) any right to be served as heir to an ancestor or to take any steps necessary for making up or completing title to any [^{F18}real right] in land.

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Textual Amendments

- F18** Words in Sch. 3(h) substituted (28.11.2004) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 122(1), 129(2), Sch. 14 paras. 5(4) (with ss. 119, 121) (see S.S.I. 2003/456, art. 2)

Textual Amendments

- F18** Words in Sch. 3(h) substituted (28.11.2004) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 122(1), 129(2), Sch. 14 paras. 5(4) (with ss. 119, 121) (see S.S.I. 2003/456, art. 2)

SCHEDULE 4

Sections 16, 23.

ENACTMENTS AMENDED

Modifications etc. (not altering text)

- C4** The text of Sch. 4 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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 by paragraph (a) of section 4, in the list of enactments appended to the subsection, for the entries relating to the Acts of the Parliament of Scotland 1579 cap. 21, 1669 cap. 14 and 1695 cap. 7, and to section 37 of the Bills of Exchange (Scotland) Act 1772, there shall be substituted the words “section 6 of the Prescription and Limitation (Scotland) Act 1973”.

PART II

AMENDMENTS TAKING EFFECT ON PASSING OF THIS ACT

F19

Textual Amendments

- F19** Entry repealed by Prescription and Limitation (Scotland) Act 1984 (c. 45, SIF 97), s. 6(2), Sch. 2

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

In section 11(c), for the words “section six of the Law Reform (Limitation of Actions, &c.) Act 1954” there shall be substituted the words “section 17 of the Prescription and Limitation (Scotland) Act 1973”.

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

In section 4(2), for the words “section 6 of the Law Reform (Limitation of Actions, &c.) Act 1954” there shall be substituted the words “section 22(1) of the Prescription and Limitation (Scotland) Act 1973”.

SCHEDULE 5

Sections 16, 23.

REPEALS

Modifications etc. (not altering text)

- C5** The text of s. 16(1) and Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

PART I

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

Chapter	Short Title	Extent of Repeal
1469 c. 4.	The Prescription Act 1469.	The whole Act.
1474 c. 9.	The Prescription Act 1474.	The whole Act.
1579 c. 19.	The Prescription (Ejections) Act 1579.	The whole Act.
1579 c. 21.	The Prescription Act 1579.	The whole Act.
1594 c. 24.	The Prescription Act 1594.	The whole Act.
1617 c. 12.	The Prescription Act 1617.	The whole Act.
1617 c. 13.	The Reduction Act 1617.	The whole Act.
1669 c. 14.	The Prescription Act 1669.	The whole Act.
1669 c. 15.	The Interruptions Act 1669.	The whole Act.
1685 c. 14.	The Prescriptions Act 1685.	The whole Act.
1695 c. 7.	The Cautioners Act 1695.	The whole Act.
1696 c. 9.	The Prescription Act 1696.	The whole Act.
1696 c. 19.	The Interruptions Act 1696.	The whole Act.

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12 Geo. 3. c. 72.	The Bills of Exchange (Scotland) Act 1772.	Sections 37, 39, 40.
31 & 32 Vict. c. 64.	The Land Writs Registration (Scotland) Act 1868.	Section 15.
45 & 46 Vict. c. 61.	The Bills of Exchange Act 1882.	In section 100, the words from “this section shall not apply” to the end of the section.
14 & 15 Geo. 5. c. 27.	The Conveyancing (Scotland) Act 1924.	Sections 16, 17.
1 & 2 Geo. 6. c. 24.	The Conveyancing Amendment (Scotland) Act 1938.	Section 4.
1969 c. 39.	The Age of Majority (Scotland) Act 1969.	In Schedule 1, the entry relating to the Prescription Act 1617.
1970 c. 35.	The Conveyancing and Fuedal Reform (Scotland) Act 1970.	Section 8.

PART II

REPEALS COMING INTO FORCE ON PASSING OF THIS ACT

Chapter	Short Title	Extent of Repeal
2 & 3 Eliz. 2. c. 36.	The Law Reform (Limitation of Actions .) Act 1954.	Section 6.
1963 c. 47.	The Limitation Act 1963.	Part II.
1971 c. 43.	The Law Reform (Miscellaneous Provisions) Act 1971.	In Schedule 1, Part II.
		Schedule 2.

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