



Prescription and Limitation (Scotland) Act 1973

1973 CHAPTER 52

PART I

PRESCRIPTION

Negative Prescription

11 Obligations to make reparation.

- (1) Subject to subsections (2) and (3) below; any obligation (whether arising from any enactment, or from any rule of law or from, or by reason of any breach of, a contract or promise) to make reparation for loss, injury or damage caused by an [^{F1}act or omission] shall be regarded for the purposes of section 6 of this Act as having become enforceable on the date when the loss, injury or damage occurred.
- (2) Where as a result of a continuing [^{F2}act or omission] loss, injury or damage has occurred before the cessation of the [^{F2}act or omission] the loss, injury or damage shall be deemed for the purposes of subsection (1) above to have occurred on the date when the [^{F2}act or omission] ceased.
- (3) In relation to a case where on the date referred to in subsection (1) above (or, as the case may be, that subsection as modified by subsection (2) above) the creditor was not aware, and could not with reasonable diligence have been aware, [^{F3}of each of the facts mentioned in subsection (3A)], the said subsection (1) shall have effect as if for the reference therein to that date there were substituted a reference to the date when the creditor first became, or could with reasonable diligence have become, so aware.

[^{F4}(3A) The facts referred to in subsection (3) are—

- (a) that loss, injury or damage has occurred,
- (b) that the loss, injury or damage was caused by a person's act or omission, and
- (c) the identity of that person.

Changes to legislation: *Prescription and Limitation (Scotland) Act 1973, Section 11 is up to date with all changes known to be in force on or before 15 February 2024. 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*

- (3B) It does not matter for the purposes of subsections (3) and (3A) whether the creditor is aware that the act or omission that caused the loss, injury or damage is actionable in law.]
- (4) Subsections (1) and (2) above (with the omission of any reference therein to subsection (3) above) shall have effect for the purposes of section 7 of this Act as they have effect for the purposes of section 6 of this Act; . . . ^{F5}

Textual Amendments

- F1** Words in s. 11(1) substituted (1.6.2022) by Prescription (Scotland) Act 2018 (asp 15), ss. 5(2), 17(2); S.S.I. 2022/78, reg. 2(2) (with reg. 3(2))
- F2** Words in s. 11(2) substituted (1.6.2022) by Prescription (Scotland) Act 2018 (asp 15), ss. 5(3), 17(2); S.S.I. 2022/78, reg. 2(2) (with reg. 3(2))
- F3** Words in s. 11(3) substituted (1.6.2022) by Prescription (Scotland) Act 2018 (asp 15), ss. 5(4), 17(2); S.S.I. 2022/78, reg. 2(2) (with reg. 3(2))
- F4** S. 11(3A)(3B) inserted (1.6.2022) by Prescription (Scotland) Act 2018 (asp 15), ss. 5(5), 17(2); S.S.I. 2022/78, reg. 2(2) (with reg. 3(2))
- F5** Words repealed by Prescription and Limitation (Scotland) Act 1984 (c. 45, SIF 97), s. 6(2), Sch. 2

Changes to legislation:

Prescription and Limitation (Scotland) Act 1973, Section 11 is up to date with all changes known to be in force on or before 15 February 2024. 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.

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Changes and effects yet to be applied to :

- s. 11 title substituted by [2018 asp 15 s. 1\(3\)\(b\)](#)
- s. 11(1) words substituted by [2018 asp 15 s. 1\(3\)\(a\)](#)
- s. 11(4) substituted by [2018 asp 15 s. 8](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(4A) inserted by [2018 asp 15 s. 4\(3\)](#)
- s. 7(3)-(5) inserted by [2018 asp 15 s. 6\(2\)\(b\)](#)
- s. 7A inserted by [2018 asp 15 s. 9\(2\)](#)
- s. 8(1A)-(1C) inserted by [2018 asp 15 s. 7\(3\)](#)
- s. 9(1)(e)-(h) inserted by [2018 asp 15 s. 10\(2\)\(b\)](#)
- s. 9(2A) inserted by [2018 asp 15 s. 11\(2\)](#)
- s. 9A inserted by [2018 asp 15 s. 12](#)
- s. 13A inserted by [2018 asp 15 s. 14\(2\)](#)
- s. 22A(3)(d)-(g) inserted by [2018 asp 15 s. 10\(3\)\(b\)](#)
- s. 22A(7A) inserted by [2018 asp 15 s. 14\(3\)](#)
- s. 32(2) applied (with modifications) by [2021 asp 9 s. 69\(8\)](#)
- Sch. 1 para. 1(fa)(fb) inserted by [2018 asp 15 s. 2\(2\)](#)
- Sch. 1 para. 1(h) inserted by [2018 asp 15 s. 3\(2\)\(b\)](#)
- Sch. 1 para. 2(fa)-(fd) inserted by [2018 asp 15 s. 3\(3\)\(b\)](#)
- Sch. 1 para. 1(d)(da) substituted for Sch. 1 para. 1(d) by [2018 asp 15 s. 1\(2\)](#)
- Sch. 1 para. 2(e)(ea) substituted for Sch. 1 para. 2(e) by [2018 asp 15 s. 3\(3\)\(a\)](#)