



# Prescription and Limitation (Scotland) Act 1973

## 1973 CHAPTER 52

### PART II

#### LIMITATION OF ACTIONS

#### **18 Actions where death has resulted from personal injuries.**

(1) This section applies to any action in which, following the death of any person from personal injuries, damages are claimed in respect of the injuries or the death.

[<sup>F1</sup>(1A) This section does not apply to an action of damages in respect of personal injuries or death to which section 18ZA applies.]

(2) Subject to subsections (3) and (4) below and section 19A of this Act, no action to which this section applies shall be brought unless it is commenced within a period of 3 years after—

- (a) the date of death of the deceased; or
- (b) the date (if later than the date of death) on which the pursuer in the action became, or on which, in the opinion of the court, it would have been reasonably practicable for him in all the circumstances to become, aware of both of the following facts—
  - (i) that the injuries of the deceased were attributable in whole or in part to an act or omission; and
  - (ii) that the defender was a person to whose act or omission the injuries were attributable in whole or in part or the employer or principal of such a person.

(3) Where the pursuer is a relative of the deceased, there shall be disregarded in the computation of the period specified in subsection (2) above any time during which the relative was under legal disability by reason of nonage or unsoundness of mind.

---

**Changes to legislation:** Prescription and Limitation (Scotland) Act 1973, Section 18 is up to date with all changes known to be in force on or before 19 June 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](#)

---

- (4) Subject to section 19A of this Act, where an action of damages has not been brought by or on behalf of a person who has sustained personal injuries within the period specified in section 17(2) of this Act and that person subsequently dies in consequence of those injuries, no action to which this section applies shall be brought in respect of those injuries or the death from those injuries.
- (5) In this section “relative” has the same meaning as in <sup>[F2]</sup>the Damages (Scotland) Act 2011].

---

#### Textual Amendments

- F1** S. 18(1A) inserted (21.4.2021) by Automated and Electric Vehicles Act 2018 (c. 18), s. 21, **Sch. para. 2**; S.I. 2021/396, reg. 3(c)(d)
- F2** Words in s. 18(5) substituted (7.7.2011) by Damages (Scotland) Act 2011 (asp 7), s. 19(3), **Sch. 1 para. 2(1)** (with ss. 17, 19(2)); S.S.I. 2011/268, art. 3 (with art. 4)
- 

#### Modifications etc. (not altering text)

- C1** S. 18 modified (25.9.1991) by Age of Legal Capacity (Scotland) Act 1991 (c. 50, SIF 49:8), **ss.8, 11(2)**.
- C2** S. 18 modified (17.6.2009) by Damages (Asbestos-related Conditions) (Scotland) Act 2009 (asp 4), **ss. 3(2), 4(1)** (with s. 5(2)); S.S.I. 2009/172, art. 2

**Changes to legislation:**

Prescription and Limitation (Scotland) Act 1973, Section 18 is up to date with all changes known to be in force on or before 19 June 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.

[View outstanding changes](#)

**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\(3\)\(a\)](#)