Prescription and Limitation (Scotland) Act 1973

1973 CHAPTER 52

[F1PART IIA

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

Prescription of Obligations

[F122A   **Ten years'prescription of obligations.**

(1) An obligation arising from liability under section 2 of the 1987 Act (to make reparation for damage caused wholly or partly by a defect in a product) shall be extinguished if a period of 10 years has expired from the relevant time, unless a relevant claim was made within that period and has not been finally disposed of, and no such obligation shall come into existence after the expiration of the said period.

(2) If, at the expiration of the period of 10 years mentioned in subsection (1) above, a relevant claim has been made but has not been finally disposed of, the obligation to which the claim relates shall be extinguished when the claim is finally disposed of.

(3) In this section—
a claim is finally disposed of when—
  (a) a decision disposing of the claim has been made against which no appeal is competent;
  (b) an appeal against such a decision is competent with leave, and the time limit for leave has expired and no application has been made or leave has been refused;
  (c) leave to appeal against such a decision is granted or is not required, and no appeal is made within the time limit for appeal; or
  (d) the claim is abandoned;

2 *Prescription and Limitation (Scotland) Act 1973 (c. 52)*
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" relevant claim " in relation to an obligation means a claim made by or on behalf of the creditor for implement or part implement of the obligation, being a claim made—

(a) in appropriate proceedings within the meaning of section 4(2) of this Act; or

(b) by the presentation of, or the concurring in, a petition for sequestration or by the submission of a claim under section [**F2**46 or 122 of the Bankruptcy (Scotland) Act 2016]; or

(c) by the presentation of, or the concurring in, a petition for the winding up of a company or by the submission of a claim in a liquidation in accordance with the rules made under section 411 of the Insolvency Act **M1** 1986;

" relevant time " has the meaning given in section 4(2) of the 1987 Act.

(4) Where a relevant claim is made in an arbitration, [**F3**the date when the arbitration begins (within the meaning of section 4(4) of this Act)] shall be taken for those purposes to be the date of the making of the claim.

F4(5) . . . .

F4(6) . . . .

F4(7) . . . .

F4(8) . . . .]

Textual Amendments

F1 Part 2A (ss. 22A–22D) inserted by Consumer Protection Act 1987 (c. 43, SIF 109:1), ss. 6, 41(2), 47(1)(2), **Sch. 1 para. 10**

F2 Words in s. 22A(3) substituted (30.11.2016) by Bankruptcy (Scotland) Act 2016 (asp 21), s. 237(2), **sch. 8 para. 6(3)** (with ss. 232, 234(3), 235, 236); S.S.I. 2016/294, reg. 2

F3 Words in s. 22A(4) substituted (7.6.2010 for specified purposes) by Arbitration (Scotland) Act 2010 (asp 1), **ss. 23(5)**, 35(2) (with ss. 30, 34, 36); S.S.I. 2010/195, art. 2 (with art. 3)

F4 S. 22A(5)-(8) omitted (31.12.2020) by virtue of The Cross-Border Mediation (EU Directive) (EU Exit) Regulations 2019 (S.I. 2019/469), reg. 1(1), **Sch. 1 para. 4(2)** (with reg. 5) (as amended by S.I. 2020/1493, regs. 1(1), 4(5)(6)); 2020 c. 1, Sch. 5 para. 1(1)

Marginal Citations

M1 1986 c. 45 (**66**).

Status:
Point in time view as at 31/12/2020.

Changes to legislation:
Prescription and Limitation (Scotland) Act 1973, Section 22A is up to date with all changes known to be in force on or before 11 April 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.