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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 404**

**The Law Applicable to Non-Contractual  
Obligations (Scotland) Regulations 2008**

**Restriction on the application of existing choice of law rules on prescription and limitation**

**3.** In section 23A (private international law application) of the Prescription and Limitation (Scotland) Act 1973<sup>(1)</sup> after subsection (3) insert—

“(4) This section shall not apply in any case where the law of a country other than Scotland falls to be applied by virtue of any choice of law rule contained in the Rome II Regulation.

(5) In subsection (4) “the Rome II Regulation” means Regulation (EC) No. 864/2007 of the European Parliament and of the Council on the law applicable to non-contractual obligations (Rome II), including that Regulation as applied by regulation 4 of the Law Applicable to Non-Contractual Obligations (Scotland) Regulations 2008 (conflicts falling within Article 25(2) of Regulation (EC) No. 864/2007).”.

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**Commencement Information**

**II** [Reg. 3](#) in force at 11.1.2009, see [reg. 1](#)

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<sup>(1)</sup> 1973 c. 52. Section 23A was inserted by the Prescription and Limitation (Scotland) Act 1984 (c. 45).

**Changes to legislation:**

There are currently no known outstanding effects for the The Law Applicable to Non-Contractual Obligations (Scotland) Regulations 2008, Section 3.