



# Prescription and Limitation (Scotland) Act 1973

## CHAPTER 52

### PRESCRIPTION AND LIMITATION (SCOTLAND) ACT 1973

#### PART I

#### PRESCRIPTION

##### *Positive prescription*

- 1 Validity of right
- 2 Special cases
- 3 Positive servitudes and public rights of way.
- 4 Judicial interruption of periods of possession for purposes of sections 1, 2 and 3.
- 5 Further provisions supplementary to sections 1, 2 and 3.

##### *Negative Prescription*

- 6 Extinction of obligations by prescriptive periods of five years.
- 7 Extinction of obligations by prescriptive periods of twenty years.
- 8 Extinction of other rights relating to property by prescriptive periods of twenty years.
- 8A Extinction of obligations to make contributions between wrongdoers.
- 9 †Definition of “relevant claim” for purposes of sections 6, 7 and 8.
- 10 †Relevant acknowledgment for purposes of sections 6 and 7.
- 11 Obligations to make reparation.
- 12 Savings.
- 13 Restrictions on contracting out

*Changes to legislation: Prescription and Limitation (Scotland) Act 1973 is up to date with all changes known to be in force on or before 04 March 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*

### *General*

- 14 Computation of prescriptive periods.
- 15 Interpretation of Part I.
- 16 Amendments and repeals related to Part I.

## **PART II**

### LIMITATION OF ACTIONS

- 16A Part II not to extend to product liability.
- 17 Actions in respect of personal injuries not resulting in death.
- 17A Actions in respect of personal injuries resulting from childhood abuse
- 17B Childhood abuse actions: previously accrued rights of action
- 17C Childhood abuse actions: previously litigated rights of action
- 17D Childhood abuse actions: circumstances in which an action may not proceed
- 18 Actions where death has resulted from personal injuries.
- 18ZA Actions under section 2 of the Automated and Electric Vehicles Act 2018
- 18ZB Section 18ZA: extension of limitation periods
- 18ZC Actions under section 5 of the Automated and Electric Vehicles Act 2018
- 18ZD Actions relating to construction products
- 18A Limitation of defamation and other actions.
- 18B Actions of harassment.
- 19A Power of court to override time-limits etc.
- 19AA Restriction of court's power to override time-limits: overseas armed forces actions
- 19B Actions for recovery of property obtained through unlawful conduct etc.
- 19BA Actions to prohibit dealing with property subject to an external request
- 19C Actions for recovery of property for the purposes of an external order
- 19CA Interruption of limitation period: arbitration
- 19CB Interruption of section 18A(1) limitation period: mediation
- 19CC Interruption of section 18A(1) limitation period: media complaints and expert determination
- 19D Actions for exploitation proceeds orders
- 19F Extension of limitation periods: cross-border mediation
- 20, 21 Limitation of Actions
- 22 Interpretation of Part II and supplementary provisions.

## **PART IIA**

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

#### *Prescription of Obligations*

- 22A Ten years' prescription of obligations.

#### *Limitation of actions*

- 22B 3 year limitation of actions.
- 22C Actions under the 1987 Act where death has resulted from personal injuries.

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- 22CA Interruption of limitation period for 1987 Act actions: arbitration
- 22CB Extension of limitation periods for 1987 Act actions: mediation

*Supplementary*

- 22D Interpretation of this Part.
- 23 .....

**PART III**

SUPPLEMENTAL

- 23A Private international law application.
- 23B Overseas armed forces actions: restriction of foreign prescription and limitation law
- 23C Actions relating to the Northern Ireland Troubles
  - 24 The Crown.
  - 25 Short title, commencement and extent.

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**SCHEDULES**

**SCHEDULE 1 — Obligations Affected by Prescriptive Periods of Five Years under Section 6**

- 1 Subject to paragraph 2 below, section 6 of this Act...
- 2 Notwithstanding anything in the foregoing paragraph, section 6 of this...
- 3 .....
- 4 In this Schedule, “ title condition ” shall be construed...

**SCHEDULE 2 — Appropriate Dates for Certain Obligations for Purposes of Section 6**

- 1 (1) This paragraph applies to any obligation, not being part...
- 2 (1) This paragraph applies to any obligation to repay the...
- 3 (1) This paragraph applies to any obligation under a contract...
- 4 (1) This paragraph applies to any obligation—

**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...

**SCHEDULE 4 — ENACTMENTS AMENDED**

**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...

**PART II — AMENDMENTS TAKING EFFECT ON PASSING OF THIS ACT**

...

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

In section 11(c), for the words “section six of the...

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

In section 4(2), for the words “section 6 of the...

SCHEDULE 5 — REPEALS

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

PART II — REPEALS COMING INTO FORCE ON PASSING OF THIS  
ACT

### Changes to legislation:

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### Changes and effects yet to be applied to :

- s. 1(4) repealed by [2007 asp 3 Sch. 6 Pt. 1](#)
- s. 6(4) words substituted by [2018 asp 15 s. 4\(2\)](#)
- s. 7(1) substituted by [2018 asp 15 s. 6\(2\)\(a\)](#)
- s. 8(1) words repealed by [2018 asp 15 s. 7\(2\)](#)
- s. 9 title words substituted by [2018 asp 15 s. 11\(3\)](#)
- s. 9(1)(a) word repealed by [2018 asp 15 s. 10\(2\)\(a\)](#)
- s. 9(1)(b) word repealed by [2018 asp 15 s. 10\(2\)\(a\)](#)
- s. 9(1)(c) word repealed by [2018 asp 15 s. 10\(2\)\(a\)](#)
- s. 10 title word substituted by [2018 asp 15 s. 6\(3\)\(b\)](#)
- s. 10(1) words substituted by [2018 asp 15 s. 6\(3\)\(a\)](#)
- s. 10(2)(a) words substituted by [2018 asp 15 s. 6\(3\)\(a\)](#)
- s. 10(3) words substituted by [2018 asp 15 s. 6\(3\)\(a\)](#)
- 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](#)
- s. 15(1) words inserted by [2018 asp 15 s. 9\(3\)](#)
- s. 15(1) words substituted by [2024 asp 2 Sch. 1 para. 11](#)
- s. 19F(1) words inserted by [2018 c. 18 Sch. para. 5](#) (This amendment not applied to legislation.gov.uk. S. 19F omitted (31.12.2020) by virtue of The Civil and Family Justice (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 (S.S.I. 2020/441), regs. 1(2)(b), 2(3) (with reg. 7))
- s. 22A(3)(a) word repealed by [2018 asp 15 s. 10\(3\)\(a\)](#)
- s. 22A(3)(b) word repealed by [2018 asp 15 s. 10\(3\)\(a\)](#)
- s. 23A(5)(a) word substituted by [S.I. 2019/834 reg. 2\(a\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/834, reg. 2 substituted (17.12.2020) by S.I. 2020/1574, regs. 1, 6(2))
- s. 23A(5)(b) word substituted by [S.I. 2019/834 reg. 2\(b\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/834, reg. 2 substituted (17.12.2020) by S.I. 2020/1574, regs. 1, 6(2))
- Sch. 1 para. 1(aa) repealed by [2018 asp 15 s. 3\(2\)\(a\)\(i\)](#)
- Sch. 1 para. 1(aca)-(ae) repealed by [2018 asp 15 s. 3\(2\)\(a\)\(ii\)](#)
- Sch. 1 para. 1(dd) repealed by [2018 asp 15 s. 3\(2\)\(a\)\(iii\)](#)
- Sch. 1 para. 1(ba) repealed by [2018 asp 15 s. 16\(1\)](#)
- Sch. 1 para. 2(e) words substituted by [2012 asp 5 sch. 5 para. 18\(7\)\(a\)](#)

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