

*Status: Point in time view as at 04/04/2003.*

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## SCHEDULES

### SCHEDULE 1

#### OBLIGATIONS AFFECTED BY PRESCRIPTIVE PERIODS OF FIVE YEARS UNDER SECTION 6

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

**C1** Sch. 1 excluded (*prosp.*) by 2000 asp 5, ss. 57, 77(2) (with ss. 58, 62, 75)

- 1 Subject to paragraph 2 below, section 6 of this Act applies—
- (a) to any obligation to pay a sum of money due in respect of a particular period—
    - (i) by way of interest;
    - (ii) by way of an instalment of an annuity;
    - (iii) by way of feuduty or other periodical payment under a feu grant;
    - (iv) by way of ground annual or other periodical payment under a contract of ground annual;
    - (v) by way of rent or other periodical payment under a lease;
    - (vi) by way of a periodical payment in respect of the occupancy or use of land, not being an obligation falling within any other provision of this sub-paragraph;
    - (vii) by way of a periodical payment under a land obligation, not being an obligation falling within any other provision of this sub-paragraph;
  - [<sup>F1</sup>(aa) to any obligation to pay compensation by virtue of section 2 of the Leasehold Casualties (Scotland) Act 2001 (asp 5);]
  - [<sup>F2</sup>(ab) to any obligation arising by virtue of a right—
    - (i) of reversion under the third proviso to section 2 of the School Sites Act 1841 (4 & 5 Vict. c.38) (or of reversion under that proviso as applied by virtue of any other enactment);
    - (ii) to petition for a declaration of forfeiture under section 7 of the Entail Sites Act 1840 (3 & 4 Vict. c.48); ]
  - (b) to any obligation based on redress of unjustified enrichment, including without prejudice to that generality any obligation of restitution, repetition or recompense;
  - (c) to any obligation arising from *negotiorum gestio*;
  - (d) to any obligation arising from liability (whether arising from any enactment or from any rule of law) to make reparation;
  - (e) to any obligation under a bill of exchange or a promissory note;
  - (f) to any obligation of accounting, other than accounting for trust funds;
  - (g) to any obligation arising from, or by reason of any breach of, a contract or promise, not being an obligation falling within any other provision of this paragraph.

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### Textual Amendments

- F1** Sch. 1 para. 1(aa) inserted (12.4.2001) by 2001 asp 5, s. 4(a) (with ss. 9, 11(2))
- F2** Sch. 1 para. 1(ab) inserted (4.4.2003) except for the insertion of Sch. 1 para. 1(ab)(ii), 28.11.2004 in so far as not already in force) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 88(a), 122(1), 129(2), 129(3) (with ss. 119, 121) (see S.S.I. 2003/456, art. 2)

2 Notwithstanding anything in the foregoing paragraph, section 6 of this Act does not apply—

- (a) to any obligation to recognise or obtemper a decree of court, an arbitration award or an order of a tribunal or authority exercising jurisdiction under any enactment;
- (b) to any obligation arising from the issue of a bank note;
- <sup>F3</sup>(c) .....
- (d) to any obligation under a contract of partnership or of agency, not being an obligation remaining, or becoming, prestable on or after the termination of the relationship between the parties under the contract;
- (e) except as provided in paragraph 1(a) [<sup>F4</sup>, (aa) or (ab)] of this Schedule, to any obligation relating to land (including an obligation to recognise a servitude);
- <sup>F5</sup>(ee) so as to extinguish, before the expiry of the continuous period of five years which immediately follows the coming into force of section 88 of the Title Conditions (Scotland) Act 2003 (asp 9) (prescriptive period for obligations arising by virtue of 1841 Act or 1840 Act), an obligation mentioned in subparagraph (ab) of paragraph 1 of this Schedule;]
- (f) to any obligation to satisfy any claim to terce, courtesy, legitim, *jus relictiorjus relictæ*, or to any prior right of a surviving spouse under section 8 or 9 of the <sup>M1</sup>Succession (Scotland) Act 1964;
- (g) to any obligation to make reparation in respect of personal injuries within the meaning of Part II of this Act or in respect of the death of any person as a result of such injuries;
- <sup>F6</sup>(gg) to any obligation to make reparation or otherwise make good in respect of defamation within the meaning of section 18A of this Act;]
- <sup>F7</sup>(ggg) to any obligation arising from liability under section 2 of the Consumer Protection Act 1987 (to make reparation for damage caused wholly or partly by a defect in a product);]
- (h) to any obligation specified in Schedule 3 to this Act as an imprescriptible obligation.

### Textual Amendments

- F3** Sch. 1 para. 2(c) repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), Sch. 5 (with ss.9(3)(5)(7), 13, 14(3))
- F4** Words in Sch. 1 para. 2(e) substituted (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 88(b)(i), 129(3) (with ss. 119, 121)
- F5** Sch. 1 para. 2(ee) inserted (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 88(b)(ii), 129(3) (with ss. 119, 121)
- F6** Sch. 1 para. 2(gg) inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 36:1), s. 12(5)
- F7** Sch. 1 para. 2(ggg) inserted by Consumer Protection Act 1987 (c. 43, SIF 109:1), ss. 6, 41(2), 47(1)(2), Sch. 1 para. 11

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**Marginal Citations**

**M1** 1964 c. 41(116:2).

<sup>F8</sup>3 .....

**Textual Amendments**

**F8** Sch. 1 para. 3 repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), **Sch.5** (with ss. 9(3)(5)(7), 13, 14(3))

- 4 In this Schedule—
- (a) “land obligation” has the same meaning as it has for the purposes of the <sup>M2</sup>Conveyancing and Feudal Reform (Scotland) Act 1970;
  - <sup>F9</sup>(b) .....

**Textual Amendments**

**F9** Sch. 1 para. 4(b) repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), **Sch. 5** (with ss. 9(3)(5)(7), 13, 14(3))

**Marginal Citations**

**M2** 1970 c. 35(31:1).

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