



Prescription and Limitation (Scotland) Act 1973

1973 CHAPTER 52

PART I

PRESCRIPTION

Negative Prescription

10 †Relevant acknowledgment for purposes of sections 6 and 7.

- (1) The subsistence of an obligation shall be regarded for the purposes of sections 6 [F17 and 8A] of this Act as having been relevantly acknowledged if, and only if, either of the following conditions is satisfied, namely—
 - (a) that there has been such performance by or on behalf of the debtor towards implement of the obligation as clearly indicates that the obligation still subsists;
 - (b) that there has been made by or on behalf of the debtor to the creditor or his agent an unequivocal written admission clearly acknowledging that the obligation still subsists.
- (2) Subject to subsection (3) below, where two or more persons are bound jointly by an obligation so that each is liable for the whole, and the subsistence of the obligation has been relevantly acknowledged by or on behalf of one of those persons then—
 - (a) if the acknowledgment is made in the manner specified in paragraph (a) of the foregoing subsection it shall have effect for the purposes of the said sections 6 [F17 and 8A] as respects the liability of each of those persons, and
 - (b) if it is made in the manner specified in paragraph (b) of that subsection it shall have effect for those purposes only as respects the liability of the person who makes it.
- (3) Where the subsistence of an obligation affecting a trust estate has been relevantly acknowledged by or on behalf of one of two or more co-trustees in the manner

Changes to legislation: Prescription and Limitation (Scotland) Act 1973, Section 10 is up to date with all changes known to be in force on or before 19 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. (See end of Document for details) View outstanding changes

specified in paragraph (a) or (b) of subsection (1) of this section, the acknowledgment shall have effect for the purposes of the said sections 6 [F17 and 8A] as respects the liability of the trust estate and any liability of each of the trustees.

- (4) In this section references to performance in relation to an obligation include, where the nature of the obligation so requires, references to refraining from doing something and to permitting or suffering something to be done or maintained.

Textual Amendments

- F1** Words substituted by Prescription and Limitation (Scotland) Act 1984 (c. 45, SIF 97), s. 6(1), **Sch. 1 para. 4**

Modifications etc. (not altering text)

- C1** Unreliable margin note
- C2** S. 10 applied (with modifications) (4.4.2003 for specified purposes, 28.11.2004 in so far as not already in force) by Title Conditions (Scotland) Act 2003 (asp 9), **ss. 18(3), 122(1), 129(2), 129(5)(d)** (with **ss. 119, 121**) (see S.S.I. 2003/456, art. 2)
- C3** S. 10 applied by 1998 c. 41, Sch. 8A para. 17(4) (as inserted (9.3.2017) by The Claims in respect of Loss or Damage arising from Competition Infringements (Competition Act 1998 and Other Enactments (Amendment)) Regulations 2017 (S.I. 2017/385), reg. 1(2), **Sch. 1 para. 4** (with Sch. 1 para. 5))
- C4** S. 10 applied (9.6.2018) by The Trade Secrets (Enforcement, etc.) Regulations 2018 (S.I. 2018/597), regs. 1(1), **6406** (a) (with reg. 19)

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Changes and effects yet to be applied to :

- 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)

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)