



Prescription and Limitation (Scotland) Act 1973

1973 CHAPTER 52

PART III

SUPPLEMENTAL

[^{F1}23A Private international law application.

- (1) Where the substantive law of a country other than Scotland falls to be applied by a Scottish court as the law governing an obligation, the court shall apply any relevant rules of law of that country relating to the extinction of the obligation or the limitation of time within which proceedings may be brought to enforce the obligation [^{F2}, subject to section 23B,] to the exclusion of any corresponding rule of Scots law.
- (2) This section shall not apply where it appears to the court that the application of the relevant foreign rule of law would be incompatible with the principles of public policy applied by the court.
- (3) This section shall not apply in any case where the application of the corresponding rule of Scots law has extinguished the obligation, or barred the bringing of proceedings prior to the coming into force of the ^{M1}Prescription and Limitation (Scotland) Act 1984.]
- [^{F3}(4) This section [^{F4}and section 23B] 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 [^{F5}the Rome I Regulation or] the Rome II Regulation.
- [^{F6}(5) In subsection (4)—
 - (a) “the Rome I Regulation” means Regulation (EC) No. 593/2008 of the European Parliament and of the Council on the law applicable to contractual obligations (Rome I) as that Regulation has effect as [^{F7}assimilated direct] legislation (including that Regulation as applied by regulation 4 of the Law Applicable to Contractual Obligations (Scotland) Regulations 2009), unless the proceedings are ones in respect of which Regulation (EC) No. 593/2008

Changes to legislation: Prescription and Limitation (Scotland) Act 1973, Section 23A is up to date with all changes known to be in force on or before 19 February 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

has effect by virtue of Article 66 of the EU withdrawal agreement, in which case it means that Regulation as it has effect by virtue of that Article; and

- (b) “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) as that Regulation has effect as [^{F8}assimilated direct] legislation (including that Regulation as applied by regulation 4 of the Law Applicable to Non-Contractual Obligations (Scotland) Regulations 2008), unless the proceedings are ones in respect of which Regulation (EC) No. 864/2007 has effect by virtue of Article 66 of the EU withdrawal agreement, in which case it means that Regulation as it has effect by virtue of that Article.]]

Textual Amendments

- F1** S. 23A inserted by Prescription and Limitation (Scotland) Act 1984 (c. 45, SIF 97), **ss. 4, 5(2)**
- F2** Words in s. 23A(1) inserted (30.6.2021) by Overseas Operations (Service Personnel and Veterans) Act 2021 (c. 23), s. 14(2), **Sch. 3 para. 2(2)(a)**; S.I. 2021/678, reg. 2
- F3** S. 23A(4)(5) inserted (11.1.2009) by Law Applicable to Non-Contractual Obligations (Scotland) Regulations 2008 (S.S.I. 2008/404), regs. 1(1), **3**
- F4** Words in s. 23A(4) inserted (30.6.2021) by Overseas Operations (Service Personnel and Veterans) Act 2021 (c. 23), s. 14(2), **Sch. 3 para. 2(2)(b)**; S.I. 2021/678, reg. 2
- F5** Words in s. 23A(4) inserted (17.12.2009) by Law Applicable to Contractual Obligations (Scotland) Regulations 2009 (S.S.I. 2009/410), regs. 1(1), **3(a)**
- F6** S. 23A(5) substituted (31.12.2020) by S.I. 2019/834, **reg. 2** (as substituted by The Jurisdiction, Judgments and Applicable Law (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1574), regs. 1, **6(2)**)
- F7** Words in s. 23A(5) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Scotland) Regulations 2023 (S.S.I. 2023/374), reg. 1(1), **sch. 1 para. 1(2)(a)**
- F8** Words in s. 23A(5) substituted (1.1.2024) by The Retained EU Law (Revocation and Reform) Act 2023 (Consequential Amendments) (Scotland) Regulations 2023 (S.S.I. 2023/374), reg. 1(1), **sch. 1 para. 1(2)(b)**

Marginal Citations

- M1** 1984 c. 45(97).

Changes to legislation:

Prescription and Limitation (Scotland) Act 1973, Section 23A is up to date with all changes known to be in force on or before 19 February 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- 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))

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