
Changes to legislation: Automated and Electric Vehicles Act 2018, Paragraph 3 is up to date with all changes known to be in force on or before 23 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

SCHEDULE

MINOR AND CONSEQUENTIAL AMENDMENTS

Prescription and Limitation (Scotland) Act 1973 (c. 52)

3 After that section insert—

“18ZA Actions under section 2 of the Automated and Electric Vehicles Act 2018

- (1) This section applies to an action of damages under section 2 of the 2018 Act (liability of insurers etc where accident caused by automated vehicle).
- (2) An action may not be brought after the expiry of the period of 3 years beginning with—
 - (a) the date of the accident mentioned in subsection (1) or (as the case may be) subsection (2) of that section, or
 - (b) where subsection (3) applies, the date on which the person who sustained the injuries first became aware of the facts mentioned in subsection (4) (if later).
- (3) This subsection applies where the damages claimed consist of or include damages in respect of personal injuries (to the pursuer or any other person).
- (4) The facts are—
 - (a) that the injury in question was significant;
 - (b) that the injury was attributable in whole or in part to an accident caused by an automated vehicle when driving itself; and
 - (c) the identity of the insurer of the vehicle (in the case of an action under section 2(1) of the 2018 Act) or the owner of the vehicle (in the case of an action under section 2(2) of that Act).
- (5) Expressions used in subsection (4) that are defined for the purposes of Part 1 of the 2018 Act have the same meaning in that subsection as in that Part.
- (6) In the computation of the period specified in subsection (2) above any time during which the person who sustained the injuries was under legal disability by reason of nonage or unsoundness of mind is to be disregarded.
- (7) If a person injured in the accident dies before the expiry of the period mentioned in subsection (2) above, an action may not be brought after the expiry of the period of 3 years beginning with—
 - (a) the date of death of the person, or
 - (b) where subsection (3) applies, the date on which the pursuer first became aware of the facts mentioned in subsection (4) (if later).
- (8) Where an action has not been brought before the expiry of the period mentioned in subsection (2) above and the person subsequently dies in consequence of injuries sustained in the accident, an action may not be brought in respect of those injuries or that death.
- (9) Subsection (10) applies if a person injured in the accident dies and the person seeking to bring the action is a relative of the deceased.

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- (10) In the computation of the period specified in subsection (7) any time during which the relative was under legal disability by reason of nonage or unsoundness of mind is to be disregarded.
- (11) In this section—
- “the 2018 Act” means the Automated and Electric Vehicles Act 2018;
- “relative” has the same meaning as in the Damages (Scotland) Act 2011.

18ZB Section 18ZA: extension of limitation periods

- (1) Subsection (2) applies where a person would be entitled, but for section 18ZA, to bring an action other than one in which the damages claimed are confined to damages for loss of or damage to property.
- (2) The court may, if it seems to it equitable to do so, allow the person to bring the action despite that section.

18ZC Actions under section 5 of the Automated and Electric Vehicles Act 2018

- (1) Subsection (2) applies where, by virtue of section 5 of the Automated and Electric Vehicles Act 2018 (right of insurer etc to claim against person responsible for accident), an insurer or vehicle owner becomes entitled to bring an action against any person.
- (2) The action may not be brought after the expiry of the period of 2 years beginning with the date on which the right of action accrued (under subsection (5) of that section).”

Commencement Information

II Sch. para. 3 in force at 21.4.2021 by S.I. 2021/396, reg. 3(d)

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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. 12(7)(b)(ia) inserted by [2023 c. 55 Sch. 4 para. 218\(2\)\(b\)](#)