
Changes to legislation: There are currently no known outstanding effects for the Overseas Operations (Service Personnel and Veterans) Act 2021, Paragraph 2. (See end of Document for details)

SCHEDULES

SCHEDULE 3

LIMITATION PERIODS: SCOTLAND

PART 2

RESTRICTION OF FOREIGN LIMITATION LAW

- 2 (1) The Prescription and Limitation (Scotland) Act 1973 is amended as follows.
- (2) In section 23A (private international law application)—
- (a) in subsection (1), after “to enforce the obligation” insert “, subject to section 23B, ”, and
 - (b) in subsection (4), after “This section” insert “ and section 23B ”.
- (3) After section 23A, insert—

“23B Overseas armed forces actions: restriction of foreign prescription and limitation law

- (1) Subsection (3) applies where—
- (a) the law of a country other than Scotland relating to the extinction of an obligation or the limitation of time within which an action may be brought to enforce an obligation is to be applied by virtue of section 23A(1) in an overseas armed forces personal injuries action, and
 - (b) the commencement condition applies in relation to that action, and in this section the law mentioned in paragraph (a) that is to be applied in that action is referred to as “the relevant foreign limitation law”.
- (2) The commencement condition applies in relation to an overseas armed forces personal injuries action if the action commenced on a date which is after the end of the period of 6 years beginning with—
- (a) the date on which any limitation period specified in the relevant foreign limitation law began to run, or
 - (b) where the relevant foreign limitation law has the effect that the action may be commenced within an indefinite period, the first date on which the action could have been commenced,
- and in this section “limitation period” includes a prescriptive period (however expressed in the relevant foreign limitation law).
- (3) The relevant foreign limitation law is to be treated as providing the defender with a complete defence to the action so far as relating to the obligation (where that would not otherwise be the case).

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- (4) An “overseas armed forces personal injuries action” means an action—
- (a) which is an overseas armed forces action as defined in section 19AA(11), and
 - (b) which (under the substantive law of the other country that falls to be applied) corresponds to an action to which section 17 or 18 applies (actions in respect of personal injuries or death).
- (5) In the application of subsection (2) to an action in respect of which—
- (a) in accordance with the relevant foreign limitation law, a limitation period specified in that law has been suspended or interrupted for a period by reason of a person's lacking legal capacity or being under a disability, or
 - (b) in accordance with the relevant foreign limitation law, a period during which a person lacks legal capacity or is under a disability has been disregarded in computing a limitation period specified in that law,
- the reference to the period of 6 years is to be treated as a reference to the period of 6 years plus the period of suspension or interruption or (as the case may be) the period that was so disregarded.”

Commencement Information

II Sch. 3 para. 2 in force at 30.6.2021 by S.I. 2021/678, reg. 2

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