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STATUTORY INSTRUMENTS

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**2018 No. 597**

**The Trade Secrets (Enforcement, etc.) Regulations 2018**

**Time limits for bringing proceedings**

4.—(1) Proceedings may not be brought before a court in respect of a claim for the unlawful acquisition, use or disclosure of a trade secret and for the application of measures, procedures and remedies provided for under these Regulations—

- (a) in England and Wales and Northern Ireland, after the end of the limitation period for the claim, and
- (b) in Scotland, after the end of the prescriptive period for the claim, except where the subsistence of the obligation in relation to which the claim is made was relevantly acknowledged before the end of that period.

(2) The limitation period referred to in paragraph 1(a) is to be determined in accordance with this regulation and regulations 5 to 7 and 9.

(3) Section 36 of the Limitation Act 1980<sup>(1)</sup> (equitable jurisdiction and remedies) does not apply in relation to proceedings in respect of a claim for the unlawful acquisition, use or disclosure of a trade secret.

(4) The prescriptive period referred to in paragraph 1(b) is to be determined in accordance with this regulation and regulations 5, 6 and 8.

(5) Section 6 of the Prescription and Limitation (Scotland) Act 1973<sup>(2)</sup> (extinction of obligations by prescriptive periods of five years) does not apply in relation to an obligation arising from a claim for the unlawful acquisition, use or disclosure of a trade secret.

(6) The following provisions of the Prescription and Limitation (Scotland) Act 1973 apply for the purposes of, or in relation to, paragraph (1)(b) as they apply for the purposes of, or in relation to, section 6 of that Act—

- (a) section 10 (relevant acknowledgment);
- (b) section 13 (prohibition of contracting out);
- (c) section 14(1)(c) and (d) (computation of prescriptive periods).

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(1) 1980 c. 58.  
(2) 1973 c. 52.