

## **EXPLANATORY NOTES**

### **PRESCRIPTION (SCOTLAND) ACT 2018**

#### **INTRODUCTION**

#### **THE ACT – COMMENTARY ON SECTIONS**

##### **The structure of the Act**

Section 1 - Obligations to pay damages and delictual obligations

Section 2 - Obligations related to contract

Section 3 - Statutory obligations

Section 4 - Effect of fraud or error on computation of prescriptive period

Section 5 - Start point of prescriptive period for obligations to pay damages

Section 6 - Obligations: 20-year prescriptive period and extension

Section 7 - Property rights: 20-year prescriptive period and extension

Section 8 - Start point of prescriptive period for obligations to pay damages

Section 9 - Saving for other statutory provisions about prescription or limitation

Section 10 - Definition of “relevant claim”

Section 11 - Prescriptive periods under sections 6 and 8A: interruption by relevant claim

Section 12 - Definition of “final disposal” of relevant claim

Section 13 - Restrictions on contracting out

Section 14 - Burden of proof

Section 15 – Ancillary provision

Section 16 – Consequential modifications

Section 18 – Short title

#### **PARLIAMENTARY HISTORY**