



Prescription and Limitation (Scotland) Act 1973

1973 CHAPTER 52

PART I

PRESCRIPTION

General

14 Computation of prescriptive periods

- (1) In the computation of a prescriptive period for the purposes of any provision of this Part of this Act—
- (a) time occurring before the commencement of this Part of this Act shall be reckonable towards the prescriptive period in like manner as time occurring thereafter, but subject to the restriction that any time reckoned under this paragraph shall be less than the prescriptive period;
 - (b) any time during which any person against whom the provision is pled was under legal disability shall (except so far as otherwise provided by section 6(4) of this Act) be reckoned as if the person were free from that disability;
 - (c) if the commencement of the prescriptive period would, apart from this paragraph, fall at a time in any day other than the beginning of the day, the period shall be deemed to have commenced at the beginning of the next following day;
 - (d) if the last day of the prescriptive period would, apart from this paragraph, be a holiday, the period shall, notwithstanding anything in the said provision, be extended to include any immediately succeeding day which is a holiday, any further immediately succeeding days which are holidays, and the next succeeding day which is not a holiday ;
 - (e) save as otherwise provided in this Part of this Act regard shall be had to the like principles as immediately before the commencement of this Part of this Act

were applicable to the computation of periods of prescription for the purposes of the Prescription Act 1617.

- (2) In this section " holiday " means a day of any of the following descriptions, namely, a Saturday, a Sunday and a day which, in Scotland, is a bank holiday under the Banking and Financial Dealings Act 1971.

15 Interpretation of Part I

- (1) In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, namely—

" bill of exchange " has the same meaning as it has for the purposes of the Bills of Exchange Act 1882;

" date of execution ", in relation to a deed executed on several dates, means the last of those dates;

" enactment " includes an order, regulation, rule or other instrument having effect by virtue of an Act;

" holiday " has the meaning assigned to it by section 14 of this Act;

" interest in land " does not include a servitude ;

" land " includes heritable property of any description;

" lease " includes a sub-lease;

" legal disability " means legal disability by reason of nonage or unsoundness of mind ;

" possession " includes civil possession, and " possessed " shall be construed accordingly ;

" prescriptive period " means a period required for the operation of section 1, 2, 3, 6, 1 or 8 of this Act;

" promissory note " has the same meaning as it has for the purposes of the Bills of Exchange Act 1882;

" trustee " includes any person holding property in a fiduciary capacity for another and, without prejudice to that generality, includes a trustee within the meaning of the Trusts (Scotland) Act 1921 ; and " trust " shall be construed accordingly ;

and references to the recording of a deed are references to the recording thereof in the General Register of Sasines.

- (2) In this Part of this Act, unless the context otherwise requires, any reference to an obligation or to a right includes a reference to the right or, as the case may be, to the obligation (if any), correlative thereto.
- (3) In this Part of this Act any reference to an enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended or extended, and as including a reference thereto as applied, by or under any other enactment.

16 Amendments and repeals related to Part I

- (1) The enactment specified in Part I of Schedule 4 to this Act shall have effect subject to the amendment there specified, being an amendment related to this Part of this Act.
- (2) Subject to the next following subsection, the enactments specified in Part I of Schedule 5 to this Act (which includes certain enactments relating to the limitation of proof) are hereby repealed to the extent specified in column 3 of that Schedule.

- (3) Where by virtue of any Act repealed by this section the subsistence of an obligation in force at the date of the commencement of this Part of this Act was immediately before that date, by reason of the passage of time, provable only by the writ or oath of the debtor the subsistence of the obligation shall (notwithstanding anything in section 38 of the Interpretation Act 1889, which relates to the effect of repeals) as from that date be provable as if the said repealed Act had not passed.