



# Prescription and Limitation (Scotland) Act 1973

## 1973 CHAPTER 52

### PART III

#### SUPPLEMENTAL

#### **[<sup>F1</sup>23A Private international law application.**

- (1) Where the substantive law of a country other than Scotland falls to be applied by a Scottish court as the law governing an obligation, the court shall apply any relevant rules of law of that country relating to the extinction of the obligation or the limitation of time within which proceedings may be brought to enforce the obligation to the exclusion of any corresponding rule of Scots law.
- (2) This section shall not apply where it appears to the court that the application of the relevant foreign rule of law would be incompatible with the principles of public policy applied by the court.
- (3) This section shall not apply in any case where the application of the corresponding rule of Scots law has extinguished the obligation, or barred the bringing of proceedings prior to the coming into force of the <sup>M1</sup> Prescription and Limitation (Scotland) Act 1984. ]
- [<sup>F2</sup>(4) This section shall not apply in any case where the law of a country other than Scotland falls to be applied by virtue of any choice of law rule contained in [<sup>F3</sup>the Rome I Regulation or] the Rome II Regulation. ]
- [<sup>F2</sup>(5) In subsection (4)
  - [<sup>F4</sup>(a) “the Rome I Regulation” means Regulation (EC) No. 593/2008 of the European Parliament and of the Council on the law applicable to contractual obligations (Rome I), including that Regulation as applied by regulation 4 of the Law Applicable to Contractual Obligations (Scotland) Regulations 2009 (conflicts falling within Article 22(2) of Regulation ( EC ) No. 593/2008), and

*Status: Point in time view as at 20/05/2011.*

*Changes to legislation: Prescription and Limitation (Scotland) Act 1973, Part III is up to date with all changes known to be in force on or before 18 June 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)*

- (b)] “the Rome II Regulation” means Regulation ( EC ) No. 864/2007 of the European Parliament and of the Council on the law applicable to non-contractual obligations (Rome II ), including that Regulation as applied by regulation 4 of the Law Applicable to Non-Contractual Obligations (Scotland) Regulations 2008 (conflicts falling within Article 25(2) of Regulation ( EC ) No. 864/2007 ). ]

**Textual Amendments**

- F1 S. 23A inserted by Prescription and Limitation (Scotland) Act 1984 (c. 45, SIF 97), ss. 4, 5(2)
- F2 S. 23A(4)(5) inserted (11.1.2009) by Law Applicable to Non-Contractual Obligations (Scotland) Regulations 2008 (S.S.I. 2008/404), regs. 1(1), 3
- F3 Words in s. 23A(4) inserted (17.12.2009) by Law Applicable to Contractual Obligations (Scotland) Regulations 2009 (S.S.I. 2009/410), regs. 1(1), 3(a)
- F4 S. 23A(5)(a) inserted (17.12.2009) by Law Applicable to Contractual Obligations (Scotland) Regulations 2009 (S.S.I. 2009/410), regs. 1(1), 3(b)

**Marginal Citations**

- M1 1984 c. 45(97).

**24 The Crown.**

This Act binds the Crown.

**25 Short title, commencement and extent.**

- (1) This Act may be cited as the Prescription and Limitation (Scotland) Act 1973.
- (2) .....<sup>F5</sup> this Act shall come into operation, as follows:—
  - (a) Parts II and III of this Act, Part II of Schedule 4 to this Act and Part II of Schedule 5 to this Act shall come into operation on the date on which this Act is passed;
  - (b) except as aforesaid this Act shall come into operation on the expiration of three years from the said date.
- (3) .....<sup>F6</sup>
- (4) This Act extends to Scotland only.

**Textual Amendments**

- F5 Words repealed by Prescription and Limitation (Scotland) Act 1984 (c. 45, SIF 97), s. 6(2), Sch. 2
- F6 S. 25(3) repealed by Prescription and Limitation (Scotland) Act 1984 (c. 45, SIF 97), s. 6(2), Sch. 2

**Status:**

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**Changes to legislation:**

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