

Status: Point in time view as at 12/04/2001.

Changes to legislation: Prescription and Limitation (Scotland) Act 1973, SCHEDULE 1 is up to date with all changes known to be in force on or before 12 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)

SCHEDULES

SCHEDULE 1 **S**

OBLIGATIONS AFFECTED BY PRESCRIPTIVE PERIODS OF FIVE YEARS UNDER SECTION 6

Modifications etc. (not altering text)

C1 Sch. 1 excluded (*prosp.*) by 2000 asp 5, ss. 57, 77(2) (with ss. 58, 62, 75)

- 1 Subject to paragraph 2 below, section 6 of this Act applies—
- (a) to any obligation to pay a sum of money due in respect of a particular period—
 - (i) by way of interest;
 - (ii) by way of an instalment of an annuity;
 - (iii) by way of feuduty or other periodical payment under a feu grant;
 - (iv) by way of ground annual or other periodical payment under a contract of ground annual;
 - (v) by way of rent or other periodical payment under a lease;
 - (vi) by way of a periodical payment in respect of the occupancy or use of land, not being an obligation falling within any other provision of this sub-paragraph;
 - (vii) by way of a periodical payment under a land obligation, not being an obligation falling within any other provision of this sub-paragraph;
 - [^{F1}(aa) to any obligation to pay compensation by virtue of section 2 of the Leasehold Casualties (Scotland) Act 2001 (asp 5);]
 - (b) to any obligation based on redress of unjustified enrichment, including without prejudice to that generality any obligation of restitution, repetition or recompense;
 - (c) to any obligation arising from *negotiorum gestio*;
 - (d) to any obligation arising from liability (whether arising from any enactment or from any rule of law) to make reparation;
 - (e) to any obligation under a bill of exchange or a promissory note;
 - (f) to any obligation of accounting, other than accounting for trust funds;
 - (g) to any obligation arising from, or by reason of any breach of, a contract or promise, not being an obligation falling within any other provision of this paragraph.

Textual Amendments

F1 Sch. 1 para. 1(aa) inserted (12.4.2001) by 2001 asp 5, s. 4(a) (with ss. 9, 11(2))

- 2 Notwithstanding anything in the foregoing paragraph, section 6 of this Act does not apply—

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- (a) to any obligation to recognise or obtemper a decree of court, an arbitration award or an order of a tribunal or authority exercising jurisdiction under any enactment;
- (b) to any obligation arising from the issue of a bank note;
- ^{F2}(c)
- (d) to any obligation under a contract of partnership or of agency, not being an obligation remaining, or becoming, prestable on or after the termination of the relationship between the parties under the contract;
- (e) except as provided in paragraph 1(a) [^{F3}or (aa)] of this Schedule, to any obligation relating to land (including an obligation to recognise a servitude);
- (f) to any obligation to satisfy any claim to terce, courtesy, legitim,*jus relictiorjus relictæ*, or to any prior right of a surviving spouse under section 8 or 9 of the ^{M1}Succession (Scotland) Act 1964;
- (g) to any obligation to make reparation in respect of personal injuries within the meaning of Part II of this Act or in respect of the death of any person as a result of such injuries;
- ^{F4}(gg) to any obligation to make reparation or otherwise make good in respect of defamation within the meaning of section 18A of this Act;]
- ^{F5}(ggg) to any obligation arising from liability under section 2 of the Consumer Protection Act 1987 (to make reparation for damage caused wholly or partly by a defect in a product);]
- (h) to any obligation specified in Schedule 3 to this Act as an imprescriptible obligation.

Textual Amendments

F2 Sch. 1 para. 2(c) repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), **Sch. 5** (with ss.9(3)(5)(7), 13, 14(3))

F3 Words in Sch. 1 para. 2(e) inserted (12.4.2001) by 2001 asp 5, s. 4(b) (with ss. 9, 11(2))

F4 Sch. 1 para. 2(gg) inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 36:1), s. 12(5)

F5 Sch. 1 para. 2(ggg) inserted by Consumer Protection Act 1987 (c. 43, SIF 109:1), ss. 6, 41(2), 47(1)(2), **Sch. 1 para. 11**

Marginal Citations

M1 1964 c. 41(116:2).

^{F6}3

Textual Amendments

F6 Sch. 1 para. 3 repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), **Sch.5** (with ss. 9(3)(5)(7), 13, 14(3))

- 4 In this Schedule—
- (a) “land obligation” has the same meaning as it has for the purposes of the ^{M2}Conveyancing and Feudal Reform (Scotland) Act 1970;
 - ^{F7}(b)

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Textual Amendments

F7 Sch. 1 para. 4(b) repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), **Sch. 5** (with ss. 9(3)(5)(7), 13, 14(3))

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Marginal Citations

M2 1970 c. 35(31:1).

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