

Status: Point in time view as at 09/01/2016.

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 19 August 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

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)
C2 Sch. 1 excluded (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 57, 71, 77(2) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2

- 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;
 - ^{F1}(iii)
 - ^{F1}(iv)
 - (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 [^{F2}title condition], not being an obligation falling within any other provision of this sub-paragraph;
 - ^{F3}(aa) to any obligation to pay compensation by virtue of section 2 of the Leasehold Casualties (Scotland) Act 2001 (asp 5);]
 - ^{F4}(aa) to any obligation to make a compensatory payment (“ compensatory payment ” being construed in accordance with section 8(1) of the Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), including that section as read with section 56 of that Act);]
 - ^{F5}(ab) to any obligation arising by virtue of a right—
 - (i) of reversion under the third proviso to section 2 of the School Sites Act 1841 (4 & 5 Vict. c.38) (or of reversion under that proviso as applied by virtue of any other enactment);
 - (ii) to petition for a declaration of forfeiture under section 7 of the Entail Sites Act 1840 (3 & 4 Vict. c.48);]
 - ^{F6}(ac) to any obligation to pay a sum of money by way of costs to which section 12 of the Tenements (Scotland) Act 2004 (asp 11) applies;]
 - ^{F7}(ad) to any obligation of the Keeper of the Registers of Scotland to pay compensation by virtue of section 84 of the Land Registration etc. (Scotland) Act 2012 (asp 5);
 - (ae) to any obligation to pay compensation by virtue of section 111 of that Act;]

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- [^{F8}(aca) to any obligation to make a payment under section 46, 53(2) or 54(5) of the Long Leases (Scotland) Act 2012 (asp 9),]
- [^{F9}(af) to any obligation arising by virtue of a right to redress under Part 4A of the Consumer Protection from Unfair Trading Regulations 2008 ([SI 2008/1277](#));]
 - (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;
- [^{F10}(dd) to any obligation arising by virtue of section 7A(1) of the Criminal Injuries Compensation Act 1995 (recovery of compensation from offenders: general);]
 - (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(a)(iii)(iv) repealed (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), ss. 71, 77(2), [Sch. 12 para. 33\(5\)\(a\)](#), [Sch. 13 Pt. 1](#) (with ss. 34, 58, 62, 75); S.S.I. 2003/456, art. 2
- F2** Words in Sch. 1 para. 1(a)(vii) substituted (28.11.2004) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), ss. 122(1), 129(2), [Sch. 14 para. 5\(3\)\(a\)](#) (with ss. 119, 121) (see S.S.I. 2003/456, art. 2)
- F3** Sch. 1 para. 1(aa) inserted (12.4.2001) by [2001 asp 5](#), s. 4(a) (with ss. 9, 11(2))
- F4** Sch. 1 para. 1(aa) inserted (28.11.2004) by [Abolition of Feudal Tenure etc. \(Scotland\) Act 2000 \(asp 5\)](#), [ss. 12\(a\)](#), 71, 77(2) (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F5** Sch. 1 para. 1(ab) inserted (4.4.2003 except for the insertion of Sch. 1 para. 1(ab)(ii), 28.11.2004 in so far as not already in force) by [Title Conditions \(Scotland\) Act 2003 \(asp 9\)](#), [ss. 88\(a\)](#), 122(1), 129(2), 129(3) (with ss. 119, 121) (see S.S.I. 2003/456, art. 2)
- F6** Sch. 1 para. 1(ac) inserted (28.11.2004) by [Tenements \(Scotland\) Act 2004 \(asp 11\)](#), [ss. 15\(a\)](#), 34(2) (with s. 33); S.S.I. 2004/487, art. 2(1)(c)
- F7** Sch. 1 para. 1(ad)(ae) inserted (8.12.2014) by [Land Registration etc. \(Scotland\) Act 2012 \(asp 5\)](#), ss. 122, 123, [Sch. 5 paras. 18\(6\)](#) (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2
- F8** Sch. 1 para. 1(aca) inserted (28.11.2013) by [Long Leases \(Scotland\) Act 2012 \(asp 9\)](#), [ss. 60\(a\)](#), 83(2)(3); S.S.I. 2013/322, art. 2(e)
- F9** Sch. 1 para. 1(af) inserted (with application in accordance with reg. 1(3) of the amending S.I.) by [The Consumer Protection \(Amendment\) Regulations 2014 \(S.I. 2014/870\)](#), regs. 1(3), 7
- F10** Sch. 1 para. 1(dd) inserted (8.12.2005) by [Management of Offenders etc. \(Scotland\) Act 2005 \(asp 14\)](#), [ss. 20\(4\)](#), 24(1)

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

- (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;
- ^{F11}(c)

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- (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) [^{F12}or (aa)] [^{F13}to (ae)] of this Schedule, to any obligation relating to land (including an obligation to recognise a servitude)^{F14}and any obligation of the Keeper of the Registers of Scotland to pay compensation by virtue of section 77 or 94 of the Land Registration etc. (Scotland) Act 2012 (asp 5);
- [^{F15}(ee) so as to extinguish, before the expiry of the continuous period of five years which immediately follows the coming into force of section 88 of the Title Conditions (Scotland) Act 2003 (asp 9) (prescriptive period for obligations arising by virtue of 1841 Act or 1840 Act), an obligation mentioned in sub-paragraph (ab) of paragraph 1 of this Schedule;]
- (f) to any obligation to satisfy any claim to ^{F16}... 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;
- [^{F17}(gg) to any obligation to make reparation or otherwise make good in respect of defamation within the meaning of section 18A of this Act;]
- [^{F18}(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

- F11** 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))
- F12** Words in Sch. 1 para. 2(e) inserted (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), **ss. 12(b), 71, 77(2)** (with ss. 58, 62, 75); S.S.I. 2003/456, art. 2
- F13** Words in Sch. 1 para. 2(e) substituted (8.12.2014) by The Land Registration etc. (Scotland) Act 2012 (Incidental, Consequential and Transitional) Order 2014 (S.S.I. 2014/190), arts. 1(2), **2(1)**
- F14** Words in Sch. 1 para. 2(e) inserted (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), ss. 122, 123, **Sch. 5 paras. 18(7)(b)** (with s. 121, Sch. 4 paras. 13, 16); S.S.I. 2014/127, art. 2
- F15** Sch. 1 para. 2(ee) inserted (4.4.2003) by Title Conditions (Scotland) Act 2003 (asp 9), **ss. 88(b)(ii), 129(3)** (with ss. 119, 121)
- F16** Words in Sch. 1 para. 2(f) repealed (28.11.2004) by Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5), ss. 71, 77(2), Sch. 12 paras. 33(5)(b), **Sch. 13 Pt. 1** (with ss. 34, 58, 62, 75); S.S.I. 2003/456, art. 2
- F17** Sch. 1 para. 2(gg) inserted by Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c. 73, SIF 36:1), **s. 12(5)**
- F18** 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).

^{F19}3

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Textual Amendments

F19 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))

[^{F20}4 In this Schedule, “ title condition ” shall be construed in accordance with section 122(1) of the Title Conditions (Scotland) Act 2003 (asp 9).]

Textual Amendments

F20 Sch. 1 para. 4 substituted (28.11.2004) by Title Conditions (Scotland) Act 2003 (asp 9), ss. 122(1), 129(2), **Sch. 14 para. 5(3)(b)** (with ss. 119, 121) (see S.S.I. 2003/456, art. 2)

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