CPAG in Scotland response to the Call for Evidence on the Prescription (Scotland) Bill

4th April 2018

1. Child Poverty Action Group (CPAG) in Scotland welcomes the opportunity to respond to the Delegated Powers and Law Reforms Committee’s call for evidence on the Prescription (Scotland) Bill.

2. **Q4. Do you agree with the list of exceptions to the general rule relating to statutory payments set out in section 3 of the Bill?**

3. No. CPAG in Scotland believes that the five year prescription period for social security benefits and tax credits would offer a better alignment with the law of England and Wales and the proposed legislation for devolved benefits.

4. In its response to the consultation on the working draft of the Prescription (Scotland) Bill, the Department for Work and Pensions noted that recovery of sums due under social security legislation and tax credit legislation were exempted from the six year limitation period by section 38(11) of the Limitation Act 1980. CPAG would like to clarify that section 38(11) refers to action other than in a court of law. It is our understanding that there remains a six year prescription period for civil court action in relation to social security and tax credit recovery in England and Wales, but no time limit for other methods of recovery, for example by deductions from ongoing benefit payments.

5. If passed, clause 38 of the Social Security (Scotland) Bill as amended at stage 2, will insert a clause into schedule 1 of the Prescription and Limitation (Scotland) Act 1973 bringing devolved benefits under the prescriptive period of five years.