



Arbitration (Scotland) Act 2010

2010 asp 1

Enforcing and challenging arbitral awards etc.

12 Enforcement of arbitral awards

- (1) The court may, on an application by any party, order that a tribunal's award may be enforced as if it were an extract registered decree bearing a warrant for execution granted by the court.
- (2) No such order may be made if the court is satisfied that the award is the subject of—
 - (a) an appeal under Part 8 of the Scottish Arbitration Rules,
 - (b) an arbitral process of appeal or review, or
 - (c) a process of correction under rule 58 of the Scottish Arbitration Rules,which has not been finally determined.
- (3) No such order may be made if the court is satisfied that the tribunal which made the award did not have jurisdiction to do so (and the court may restrict the extent of its order if satisfied that the tribunal did not have jurisdiction to make a part of the award).
- (4) But a party may not object on the ground that the tribunal did not have jurisdiction if the party has lost the right to raise that objection by virtue of the Scottish Arbitration Rules (see rule 76).
- (5) Unless the parties otherwise agree, a tribunal's award may be registered for execution in the Books of Council and Session or in the sheriff court books (provided that the arbitration agreement is itself so registered).
- (6) This section applies regardless of whether the arbitration concerned was seated in Scotland.
- (7) Nothing in this section or in section 13 affects any other right to rely on or enforce an award in pursuance of—
 - (a) sections 19 to 21, or
 - (b) any other enactment or rule of law.
- (8) In this section, "court" means the sheriff or the Court of Session.