



Arbitration (Scotland) Act 2010

2010 asp 1

ARBITRATION (SCOTLAND) ACT 2010

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SCHEDULE 1 — Scottish Arbitration Rules

Mandatory rules are marked “M”.

Default rules are marked “D”.

Part 1 — COMMENCEMENT AND CONSTITUTION OF TRIBUNAL ETC.

Rule 1 Commencement of arbitration D

- 1 An arbitration begins when a party to an arbitration agreement...

Rule 2 Appointment of tribunal D

- 2 An arbitration agreement need not appoint (or provide for appointment...

Rule 3 Arbitrator to be an individual M

- 3 Only an individual may act as an arbitrator.

Rule 4 Eligibility to act as arbitrator M

- 4 An individual is ineligible to act as an arbitrator if...

Rule 5 Number of arbitrators D

- 5 Where there is no agreement as to the number of...

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Rule 6 Method of appointment D

6 The tribunal is to be appointed as follows—

Rule 7 Failure of appointment procedure M

7 (1) This rule applies where a tribunal (or any arbitrator...

Rule 8 Duty to disclose any conflict of interests M

8 (1) This rule applies to— (a) arbitrators, and

Rule 9 Arbitrator's tenure D

9 An arbitrator's tenure ends if— (a) the arbitrator becomes ineligible...

Rule 10 Challenge to appointment of arbitrator D

10 (1) A party may object to the tribunal about the...

Rule 11 Removal of arbitrator by parties D

11 (1) An arbitrator may be removed— (a) by the parties...

Rule 12 Removal of arbitrator by court M

12 The Outer House may remove an arbitrator if satisfied on...

Rule 13 Dismissal of tribunal by court M

13 The Outer House may dismiss the tribunal if satisfied on...

Rule 14 Removal and dismissal by court: supplementary M

14 (1) The Outer House may remove an arbitrator, or dismiss...

Rule 15 Resignation of arbitrator M

15 (1) An arbitrator may resign (by giving notice of resignation...

Rule 16 Liability etc. of arbitrator when tenure ends M

16 (1) Where an arbitrator's tenure ends, the Outer House may,...

Rule 17 Reconstitution of tribunal D

17 (1) Where an arbitrator's tenure ends, the tribunal must be...

Rule 18 Arbitrators nominated in arbitration agreements D

18 Any provision in an arbitration agreement which specifies who is...

Part 2 — JURISDICTION OF TRIBUNAL

Rule 19 Power of tribunal to rule on own jurisdiction M

19 The tribunal may rule on— (a) whether there is a...

Rule 20 Objections to tribunal's jurisdiction M

20 (1) Any party may object to the tribunal on the...

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Rule 21 Appeal against tribunal's ruling on jurisdictional objection M

21 (1) A party may, no later than 14 days after...

Rule 22 Referral of point of jurisdiction D

22 The Outer House may, on an application by any party,...

Rule 23 Jurisdiction referral: procedure etc. M

23 (1) This rule applies only where an application is made...

Part 3 — GENERAL DUTIES

Rule 24 General duty of the tribunal M

24 (1) The tribunal must— (a) be impartial and independent,

Rule 25 General duty of the parties M

25 The parties must ensure that the arbitration is conducted—

Rule 26 Confidentiality D

26 (1) Disclosure by the tribunal, any arbitrator or a party...

Rule 27 Tribunal deliberations D

27 (1) The tribunal's deliberations may be undertaken in private and...

Part 4 — ARBITRAL PROCEEDINGS

Rule 28 Procedure and evidence D

28 (1) It is for the tribunal to determine—

Rule 29 Place of arbitration D

29 The tribunal may meet, and otherwise conduct the arbitration, anywhere...

Rule 30 Tribunal decisions D

30 (1) Where the tribunal is unable to make a decision...

Rule 31 Tribunal directions D

31 (1) The tribunal may give such directions to the parties...

Rule 32 Power to appoint clerk, agents or employees etc. D

32 (1) The tribunal may appoint a clerk (and such other...

Rule 33 Party representatives D

33 (1) A party may be represented in the arbitration by...

Rule 34 Experts D

34 (1) The tribunal may obtain an expert opinion on any...

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Rule 35 Powers relating to property D

35 The tribunal may direct a party— (a) to allow the...

Rule 36 Oaths or affirmations D

36 The tribunal may— (a) direct that a party or witness...

Rule 37 Failure to submit claim or defence timeously D

37 (1) Where— (a) a party unnecessarily delays in submitting or...

Rule 38 Failure to attend hearing or provide evidence D

38 Where— (a) a party fails— (i) to attend a hearing...

Rule 39 Failure to comply with tribunal direction or arbitration agreement D

39 (1) Where a party fails to comply with—

Rule 40 Consolidation of proceedings D

40 (1) Parties may agree— (a) to consolidate the arbitration with...

Part 5 — POWERS OF COURT IN RELATION TO ARBITRAL PROCEEDINGS

Rule 41 Referral of point of law D

41 The Outer House may, on an application by any party,...

Rule 42 Point of law referral: procedure etc. M

42 (1) This rule applies only where an application is made...

Rule 43 Variation of time limits set by parties D

43 The court may, on an application by the tribunal or...

Rule 44 Time limit variation: procedure etc. M

44 (1) This rule applies only where an application for variation...

Rule 45 Court's power to order attendance of witnesses and disclosure of evidence M

45 (1) The court may, on an application by the tribunal...

Rule 46 Court's other powers in relation to arbitration D

46 (1) The court has the same power in an arbitration...

Part 6 — AWARDS

Rule 47 Rules applicable to the substance of the dispute D

47 (1) The tribunal must decide the dispute in accordance with—...

Rule 48 Power to award payment and damages M

48 (1) The tribunal's award may order the payment of a...

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Rule 49 Other remedies available to tribunal D

49 The tribunal's award may— (a) be of a declaratory nature,...

Rule 50 Interest M

50 (1) The tribunal's award may order that interest is to...

Rule 51 Form of award D

51 (1) The tribunal's award must be signed by all arbitrators...

Rule 52 Award treated as made in Scotland D

52 An award is to be treated as having been made...

Rule 53 Provisional awards D

53 The tribunal may make a provisional award granting any relief...

Rule 54 Part awards M

54 (1) The tribunal may make more than one award at...

Rule 55 Draft awards D

55 Before making an award, the tribunal— (a) may send a...

Rule 56 Power to withhold award on non-payment of fees or expenses M

56 (1) The tribunal may refuse to deliver or send its...

Rule 57 Arbitration to end on last award or early settlement D

57 (1) An arbitration ends when the last award to be...

Rule 58 Correcting an award D

58 (1) The tribunal may correct an award so as to—...

Part 7 — ARBITRATION EXPENSES

Rule 59 Arbitration expenses D

59 “Arbitration expenses” means— (a) the arbitrators' fees and expenses for...

Rule 60 Arbitrators' fees and expenses M

60 (1) The parties are severally liable to pay to the...

Rule 61 Recoverable arbitration expenses D

61 (1) The following arbitration expenses are recoverable—

Rule 62 Liability for recoverable arbitration expenses D

62 (1) The tribunal may make an award allocating the parties'...

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Rule 63 Ban on pre-dispute agreements about liability for arbitration expenses M

63 Any agreement allocating the parties' liability between themselves for any...

Rule 64 Security for expenses D

64 (1) The tribunal may— (a) order a party making a...

Rule 65 Limitation of recoverable arbitration expenses D

65 (1) A provisional or part award may cap a party's...

Rule 66 Awards on recoverable arbitration expenses D

66 An expenses award (under rule 62 or 65) may be...
Part 8 — CHALLENGING AWARDS

Rule 67 Challenging an award: substantive jurisdiction M

67 (1) A party may appeal to the Outer House against...

Rule 68 Challenging an award: serious irregularity M

68 (1) A party may appeal to the Outer House against...

Rule 69 Challenging an award: legal error D

69 (1) A party may appeal to the Outer House against...

Rule 70 Legal error appeals: procedure etc. M

70 (1) This rule applies only where rule 69 applies.

Rule 71 Challenging an award: supplementary M

71 (1) This rule applies to— (a) jurisdictional appeals,

Rule 72 Reconsideration by tribunal M

72 (1) Where the Outer House or, as the case may...
Part 9 — MISCELLANEOUS

Rule 73 Immunity of tribunal etc. M

73 (1) Neither the tribunal nor any arbitrator is liable for...

Rule 74 Immunity of appointing arbitral institution etc. M

74 (1) An arbitral appointments referee, or other third party who...

Rule 75 Immunity of experts, witnesses and legal representatives M

75 Every person who participates in an arbitration as an expert,...

Rule 76 Loss of right to object M

76 (1) A party who participates in an arbitration without making...

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Rule 77 Independence of arbitrator M

77 For the purposes of these rules, an arbitrator is not...

Rule 78 Consideration where arbitrator judged not to be impartial and independent D

78 (1) This rule applies where— (a) an arbitrator is removed...

Rule 79 Death of arbitrator M

79 An arbitrator's authority is personal and ceases on death.

Rule 80 Death of party D

80 (1) An arbitration agreement is not discharged by the death...

Rule 81 Unfair treatment D

81 A tribunal (or arbitrator) who treats any party unfairly is,...

Rule 82 Rules applicable to umpires M

82 (1) The following rules apply in relation to an umpire...

Rule 83 Formal communications D

83 (1) A “formal communication” means any application, award, consent, direction,...

Rule 84 Periods of time D

84 Periods of time are to be calculated for the purposes...

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