



Consumer Arbitration Agreements Act 1988

1988 CHAPTER 21

Scotland

6 Arbitration agreements: Scotland

- (1) In the case of a consumer contract to which, by virtue of subsections (2) to (4) of section 15 of the Act of 1977 (scope of Part II of that Act), sections 16 to 18 of that Act apply, an agreement to refer future differences arising out of the contract to arbitration cannot, if it is a domestic arbitration agreement, be enforced against the consumer in respect of a relevant difference so arising except—
 - (a) with his written consent given after that difference has arisen; or
 - (b) where, subject to subsection (2) below, he has submitted to arbitration in pursuance of the agreement (whether or not the arbitration was in respect of that difference); or
 - (c) by virtue of an order under section 7 below in respect of that difference.
- (2) In determining for the purposes of subsection (1)(b) above whether the consumer has submitted to arbitration, any arbitration which takes place in consequence of an order of the court under section 7 below shall be disregarded.