



Game Laws Amendment (Scotland) Act 1877

1877 CHAPTER 28

6 Provisions as to arbitrations for settling claims of damage between lessor and lessee

When a lessor and lessee agree in writing to refer to arbitration any claim of damage arising under this Act, or have agreed so to do in any lease made subsequently to the passing of this Act, the following provisions shall have effect:

1. Either party having in writing named an arbiter, and given notice of the nomination to the other party, and called on him to name an arbiter, and the other party : having for fourteen days after such call failed to comply therewith in writing, the arbiter nominated may settle the claim as if he had been appointed by both parties, and his award shall be final. The office of every such arbiter shall be held to endure until the term of Whitsunday next following the date of his appointment, and thereafter until he shall have given his award or awards with reference to all claims for any damages, as aforesaid arising during the year ended at the same term.
2. Where two arbiters are named by the parties the arbiters shall, before proceeding to the arbitration, name in writing an oversman or umpire who shall be entitled finally to decide on the claim in case of their disagreement. ;
3. The reference, the claim, the nomination of an arbiter or oversman, and the award may be validly made by any writing, however informal, admitted or proved to be genuine.
4. No proceedings under this section shall be void for want of form. In an arbitration under this section the course of the procedure and the inquiry shall be such as the person or persons acting therein shall direct, and the award therein shall be final, and though informal may be enforced by action in any court of law, according to the true construction and tenor thereof.
5. Any notice under this section shall be in writing, and may be served on the person to whom it is to be given either personally or by leaving it for him at his last known place of abode in Scotland, or by sending it through the post in a registered letter addressed to him there; and if so sent by post it shall be deemed to have been served at the time when the letter containing it would be delivered in ordinary course,

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and in order to prove service by letter it shall be sufficient to prove that the letter was properly addressed and posted and that it contained the notice to be served.