### Arbitration (Scotland) Act 2010

**2010 asp 1**

**ARBITRATION (SCOTLAND) ACT 2010**

#### Introductory

<table>
<thead>
<tr>
<th>Section</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Founding principles</td>
</tr>
<tr>
<td>2</td>
<td>Key terms</td>
</tr>
<tr>
<td>3</td>
<td>Seat of arbitration</td>
</tr>
</tbody>
</table>

#### Arbitration agreements

<table>
<thead>
<tr>
<th>Section</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Arbitration agreement</td>
</tr>
<tr>
<td>5</td>
<td>Separability</td>
</tr>
<tr>
<td>6</td>
<td>Law governing arbitration agreement</td>
</tr>
</tbody>
</table>

#### Scottish Arbitration Rules

<table>
<thead>
<tr>
<th>Section</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Scottish Arbitration Rules</td>
</tr>
<tr>
<td>8</td>
<td>Mandatory rules</td>
</tr>
<tr>
<td>9</td>
<td>Default rules</td>
</tr>
</tbody>
</table>

#### Suspension of legal proceedings

<table>
<thead>
<tr>
<th>Section</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Suspension of legal proceedings</td>
</tr>
</tbody>
</table>

#### Enforcing and challenging arbitral awards etc.

<table>
<thead>
<tr>
<th>Section</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>Arbitral award to be final and binding on parties</td>
</tr>
<tr>
<td>12</td>
<td>Enforcement of arbitral awards</td>
</tr>
<tr>
<td>13</td>
<td>Court intervention in arbitrations</td>
</tr>
<tr>
<td>14</td>
<td>Persons who take no part in arbitral proceedings</td>
</tr>
<tr>
<td>15</td>
<td>Anonymity in legal proceedings</td>
</tr>
</tbody>
</table>

#### Statutory arbitration

<table>
<thead>
<tr>
<th>Section</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>16</td>
<td>Statutory arbitration: special provisions</td>
</tr>
<tr>
<td>17</td>
<td>Power to adapt enactments providing for statutory arbitration</td>
</tr>
</tbody>
</table>
Recognition and enforcement of New York Convention awards

18 New York Convention awards
19 Recognition and enforcement of New York Convention awards
20 Refusal of recognition or enforcement
21 Evidence to be produced when seeking recognition or enforcement
22 Saving for other bases of recognition or enforcement

Supplementary

23 Prescription and limitation
24 Arbitral appointments referee
25 Power of judge to act as arbitrator or umpire
26 Amendments to UNCITRAL Model Law or Rules or New York Convention
27 Amendment of Conveyancing (Scotland) Act 1924 (c. 27)
28 Articles of Regulation 1695
29 Repeals
30 Arbitrability of disputes

Final provisions

31 Interpretation
32 Ancillary provision
33 Orders
34 Crown application
35 Commencement
36 Transitional provisions
37 Short title

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...
Rule 6 Method of appointment

The tribunal is to be appointed as follows—

Rule 7 Failure of appointment procedure

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

Rule 8 Duty to disclose any conflict of interests

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

Rule 9 Arbitrator's tenure

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

Rule 10 Challenge to appointment of arbitrator

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

Rule 11 Removal of arbitrator by parties

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

Rule 12 Removal of arbitrator by court

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

Rule 13 Dismissal of tribunal by court

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

Rule 14 Removal and dismissal by court: supplementary

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

Rule 15 Resignation of arbitrator

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

Rule 16 Liability etc. of arbitrator when tenure ends

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

Rule 17 Reconstitution of tribunal

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

Rule 18 Arbitrators nominated in arbitration agreements

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

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

Rule 20 Objections to tribunal's jurisdiction

(1) Any party may object to the tribunal on the...
Rule 21 Appeal against tribunal's ruling on jurisdictional objection

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

Rule 22 Referral of point of jurisdiction

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

Rule 23 Jurisdiction referral: procedure etc. etc.

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

Part 3 — GENERAL DUTIES

Rule 24 General duty of the tribunal

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

Rule 25 General duty of the parties

25 The parties must ensure that the arbitration is conducted—

Rule 26 Confidentiality

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

Rule 27 Tribunal deliberations

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

Part 4 — ARBITRAL PROCEEDINGS

Rule 28 Procedure and evidence

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

Rule 29 Place of arbitration

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

Rule 30 Tribunal decisions

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

Rule 31 Tribunal directions

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

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

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

Rule 33 Party representatives

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

Rule 34 Experts

34 (1) The tribunal may obtain an expert opinion on any...
Rule 35 Powers relating to property
35 The tribunal may direct a party— (a) to allow the...

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

Rule 37 Failure to submit claim or defence timeously
37 (1) Where— (a) a party unnecessarily delays in submitting or...

Rule 38 Failure to attend hearing or provide evidence
38 Where— (a) a party fails— (i) to attend a hearing...

Rule 39 Failure to comply with tribunal direction or arbitration agreement
39 (1) Where a party fails to comply with—

Rule 40 Consolidation of proceedings
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
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
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...
Rule 49 Other remedies available to tribunal

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

Rule 50 Interest

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

Rule 51 Form of award

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

Rule 52 Award treated as made in Scotland

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

Rule 53 Provisional awards

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

Rule 54 Part awards

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

Rule 55 Draft awards

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

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

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

Rule 57 Arbitration to end on last award or early settlement

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

Rule 58 Correcting an award

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

Part 7 — ARBITRATION EXPENSES

Rule 59 Arbitration expenses

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

Rule 60 Arbitrators' fees and expenses

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

Rule 61 Recoverable arbitration expenses

(1) The following arbitration expenses are recoverable—

Rule 62 Liability for recoverable arbitration expenses

(1) The tribunal may make an award allocating the parties'...
Rule 63 Ban on pre-dispute agreements about liability for arbitration expenses

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

Rule 64 Security for expenses

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

Rule 65 Limitation of recoverable arbitration expenses

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

Rule 66 Awards on recoverable arbitration expenses

66 An expenses award (under rule 62 or 65) may be...

Part 8 — CHALLENGING AWARDS

Rule 67 Challenging an award: substantive jurisdiction

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

Rule 68 Challenging an award: serious irregularity

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

Rule 69 Challenging an award: legal error

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

Rule 70 Legal error appeals: procedure etc.

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

Rule 71 Challenging an award: supplementary

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

Rule 72 Reconsideration by tribunal

72 (1) Where the Outer House or, as the case may...

Part 9 — MISCELLANEOUS

Rule 73 Immunity of tribunal etc.

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

Rule 74 Immunity of appointing arbitral institution etc.

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

Rule 75 Immunity of experts, witnesses and legal representatives

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

Rule 76 Loss of right to object

76 (1) A party who participates in an arbitration without making...
Rule 77 Independence of arbitrator M

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

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

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

Rule 79 Death of arbitrator M

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

Rule 80 Death of party D

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

Rule 81 Unfair treatment D

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

Rule 82 Rules applicable to umpires M

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

Rule 83 Formal communications D

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

Rule 84 Periods of time D

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

Index
The words and other expressions listed in the following index...

SCHEDULE 2 — Repeals
Changes to legislation:
Arbitration (Scotland) Act 2010 is up to date with all changes known to be in force on or before 11 March 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:
- Act applied (with modifications) (temp.) by 2014 c. 1 s. 16(4)
- Act power to amend conferred by 2014 c. 1 s. 16(5)