



# Arbitration (Scotland) Act 2010

## 2010 asp 1

### *Arbitration agreements*

#### **4 Arbitration agreement**

An “arbitration agreement” is an agreement to submit a present or future dispute to arbitration (including any agreement which provides for arbitration in accordance with arbitration provisions contained in a separate document).

#### **Modifications etc. (not altering text)**

- C1** Ss. 1-15 excluded by 1962 c. 46, s. 74(6)(f) (as amended (5.6.2010) by *The Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (S.S.I. 2010/220)*, art. 1, **sch. para. 4(2)**)
- C2** Ss. 1-15 excluded by 1949 c. 87, s. 67(4) (as amended (5.6.2010) by *The Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (S.S.I. 2010/220)*, art. 1, **sch. para. 2**)
- C3** Ss. 1-15 excluded by 1977 c. 37, s. 130(8) (as amended (5.6.2010) by *The Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (S.S.I. 2010/220)*, art. 1, **sch. para. 5**)
- C4** Ss. 1-15 excluded by 1992 c. 52, s. 263(6) (as amended (5.6.2010) by *The Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (S.S.I. 2010/220)*, art. 1, **sch. para. 6(3)**)
- C5** Ss. 1-15 excluded by 1996 c. 17, s. 6(2) (as amended (5.6.2010) by *The Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (S.S.I. 2010/220)*, art. 1, **sch. para. 7**)
- C6** Ss. 1-15 excluded by 1962 c. 46, s. 81(7) (as amended (5.6.2010) by *The Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (S.S.I. 2010/220)*, art. 1, **sch. para. 4(3)**)
- C7** Ss. 1-15 excluded by 1961 c. 34, s. 171 (as amended (5.6.2010) by *The Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (S.S.I. 2010/220)*, art. 1, **sch. para. 3**)
- C8** Ss. 1-15: power to exclude or restrict conferred by 2007 c. 15, Sch. 5 para. 14 (as amended (5.6.2010) by *The Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (S.S.I. 2010/220)*, art. 1, **sch. para. 8**)
- C9** Ss. 1-15 excluded by 1949 c. 39, s. 8(2) (as amended (5.6.2010) by *The Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (S.S.I. 2010/220)*, art. 1, **sch. para. 1**)
- C10** Ss. 1-15 excluded by 1992 c. 52, s. 212(5) (as amended (5.6.2010) by *The Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (S.S.I. 2010/220)*, art. 1, **sch. para. 6(2)**)
- C11** Ss. 1-15 excluded by 1962 c. 46, Sch. 7 para. 17(5) (as amended (5.6.2010) by *The Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (S.S.I. 2010/220)*, art. 1, **sch. para. 4(4)**)

*Status: Point in time view as at 07/06/2010.*

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#### Commencement Information

**I1** S. 4 in force at 7.6.2010 for specified purposes by S.S.I. 2010/195, **art. 2** (with **art. 3**)

## 5 Separability

- (1) An arbitration agreement which forms (or was intended to form) part only of an agreement is to be treated as a distinct agreement.
- (2) An arbitration agreement is not void, voidable or otherwise unenforceable only because the agreement of which it forms part is void, voidable or otherwise unenforceable.
- (3) A dispute about the validity of an agreement which includes an arbitration agreement may be arbitrated in accordance with that arbitration agreement.

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#### Commencement Information

**I2** S. 5 in force at 7.6.2010 for specified purposes by S.S.I. 2010/195, **art. 2** (with **art. 3**)

## 6 Law governing arbitration agreement

Where—

- (a) the parties to an arbitration agreement agree that an arbitration under that agreement is to be seated in Scotland, but
- (b) the arbitration agreement does not specify the law which is to govern it,

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then, unless the parties otherwise agree, the arbitration agreement is to be governed by Scots law.

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