Arbitration (Scotland) Act 2010
2010 asp 1

Introductory

1 Founding principles

The founding principles of this Act are—
(a) that the object of arbitration is to resolve disputes fairly, impartially and without unnecessary delay or expense,
(b) that parties should be free to agree how to resolve disputes subject only to such safeguards as are necessary in the public interest,
(c) that the court should not intervene in an arbitration except as provided by this Act.

Anyone construing this Act must have regard to the founding principles when doing so.

 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))
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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)
2  

Key terms

(1) In this Act, unless the contrary intention appears—

“arbitration” includes—

(a) domestic arbitration,
(b) arbitration between parties residing, or carrying on business, anywhere in the United Kingdom, and
(c) international arbitration,

“arbitrator” means a sole arbitrator or a member of a tribunal,

“dispute” includes—

(a) any refusal to accept a claim, and
(b) any other difference (whether contractual or not),

“party” means a party to an arbitration,

“rules” means the Scottish Arbitration Rules (see section 7), and

“tribunal” means a sole arbitrator or panel of arbitrators.

(2) References in this Act to “an arbitration”, “the arbitration” or “arbitrations” are references to a particular arbitration process or, as the case may be, to particular arbitration processes.

(3) References in this Act to a tribunal conducting an arbitration are references to the tribunal doing anything in relation to the arbitration, including—

(a) making a decision about procedure or evidence, and
(b) making an award.

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### 3 Seat of arbitration

(1) An arbitration is “seated in Scotland” if—

(a) Scotland is designated as the juridical seat of the arbitration—

(i) by the parties,

(ii) by any third party to whom the parties give power to so designate, or

(iii) where the parties fail to designate or so authorise a third party, by the tribunal, or

(b) in the absence of any such designation, the court determines that Scotland is to be the juridical seat of the arbitration.

(2) The fact that an arbitration is seated in Scotland does not affect the substantive law to be used to decide the dispute.

### Modifications etc. (not altering text)

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Commencement Information

12 S. 3 in force at 7.6.2010 for specified purposes by S.S.I. 2010/195, art. 2 (with art. 3)
Changes to legislation:
Arbitration (Scotland) Act 2010, Cross Heading: Introductory is up to date with all changes known to be in force on or before 24 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)