



# Arbitration (Scotland) Act 2010

## 2010 asp 1

### *Statutory arbitration*

#### **16 Statutory arbitration: special provisions**

- (1) “Statutory arbitration” is arbitration pursuant to an enactment which provides for a dispute to be submitted to arbitration.
- (2) References in the Scottish Arbitration Rules (or in any other provision of this Act) to an arbitration agreement are, in the case of a statutory arbitration, references to the enactment which provides for a dispute to be resolved by arbitration.
- (3) None of the Scottish Arbitration Rules (or other provisions of this Act) apply to a statutory arbitration if or to the extent that they are excluded by, or are inconsistent with, any provision made by virtue of any other enactment relating to the arbitration.
- (4) Every statutory arbitration is to be taken to be seated in Scotland.
- (5) The following rules do not apply in relation to statutory arbitration—
  - rule 43 (extension of time limits)
  - rule 71(9) (power to declare provision of arbitration agreement void)
  - rule 80 (death of party)
- (6) Despite rule 40, parties to a statutory arbitration may not agree to—
  - (a) consolidate the arbitration with another arbitration,
  - (b) hold concurrent hearings, or
  - (c) authorise the tribunal to order such consolidation or the holding of concurrent hearings,unless the arbitrations or hearings are to be conducted under the same enactment.

#### **Commencement Information**

- II** [S. 16](#) in force at 7.6.2010 for specified purposes by [S.S.I. 2010/195, art. 2](#) (with [art. 3](#))

#### **17 Power to adapt enactments providing for statutory arbitration**

Ministers may by order—

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**Changes to legislation:** Arbitration (Scotland) Act 2010, Cross Heading: Statutory arbitration is up to date with all changes known to be in force on or before 23 April 2024. 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. (See end of Document for details) [View outstanding changes](#)

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- (a) modify any of the Scottish Arbitration Rules, or any other provisions of this Act, in so far as they apply to statutory arbitrations (or to particular statutory arbitrations),
- (b) make such modifications of enactments which provide for disputes to be submitted to arbitration as they consider appropriate in consequence of, or in order to give full effect to, any of the Scottish Arbitration Rules or any other provisions of this Act.

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**Commencement Information**

**I2** [S. 17](#) in force at 7.6.2010 by [S.S.I. 2010/195](#), [art. 2](#) (with [art. 3](#))

**Changes to legislation:**

Arbitration (Scotland) Act 2010, Cross Heading: Statutory arbitration is up to date with all changes known to be in force on or before 23 April 2024. 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.

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**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\(5\)](#)