



# Arbitration (Scotland) Act 2010

## 2010 asp 1

### *Suspension of legal proceedings*

#### **10 Suspension of legal proceedings**

- (1) The court must, on an application by a party to legal proceedings concerning any matter under dispute, sist those proceedings in so far as they concern that matter if—
- (a) an arbitration agreement provides that a dispute on the matter is to be resolved by arbitration (immediately or after the exhaustion of other dispute resolution procedures),
  - (b) the applicant is a party to the arbitration agreement (or is claiming through or under such a party),
  - (c) notice of the application has been given to the other parties to the legal proceedings,
  - (d) the applicant has not—
    - (i) taken any step in the legal proceedings to answer any substantive claim against the applicant, or
    - (ii) otherwise acted since bringing the legal proceedings in a manner indicating a desire to have the dispute resolved by the legal proceedings rather than by arbitration, and
  - (e) nothing has caused the court to be satisfied that the arbitration agreement concerned is void, inoperative or incapable of being performed.
- (2) Any provision in an arbitration agreement which prevents the bringing of the legal proceedings is void in relation to any proceedings which the court refuses to sist.
- This subsection does not apply to statutory arbitrations.
- (3) This section applies regardless of whether the arbitration concerned is to be seated in Scotland.

#### **Annotations:**

#### **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\(2\)](#))

**Changes to legislation:** Arbitration (Scotland) Act 2010, Cross Heading: Suspension of legal proceedings is up to date with all changes known to be in force on or before 22 December 2018. 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)

- 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)**)

#### Commencement Information

- II** S. 10 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: Suspension of legal proceedings is up to date with all changes known to be in force on or before 22 December 2018. 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.

**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\(5\)](#)