

*These notes relate to the Arbitration (Scotland) Act 2010  
(asp 1) which received Royal Assent on 5 January 2010*

# **ARBITRATION (SCOTLAND) ACT 2010**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### *Arbitration agreements*

#### *Section 5 – Separability*

28. [Section 5\(1\)](#) provides that an arbitration agreement which is part of another agreement is to be treated as separate from the principal contract. Accordingly, [section 5\(2\)](#) means that where it is alleged that the principal contract is void or non-existent, voidable or otherwise unenforceable, the arbitrator will not lack jurisdiction over the dispute in question only as a result of that fact. [Section 5\(3\)](#) means that a tribunal can rule on whether an agreement that includes an arbitration agreement is valid in accordance with that arbitration agreement.