

*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

#### *Final provisions*

#### *Section 35 – Commencement*

95. [Section 35](#) provides for bringing the operative provisions of the Act into force by order.
96. The Act was brought into force for non-statutory arbitrations on 7th June 2010 by the [Arbitration \(Scotland\) Act 2010 \(Commencement No. 1 and Transitional Provisions\) Order 2010 \(S.S.I. 2010/195\)](#). That Order makes transitional provision, in addition to section 36,—
- excluding the Act from applying to court proceedings begun before 7th June 2010 in relation to arbitration;
  - preserving the old law in relation to contractual clauses which provide for equitable considerations to be relevant in relation to decisions on the merits of arbitration;
  - excluding the effect of rule 1 of the Scottish Arbitration Rules for enactments which provide for when arbitration begins; and
  - to make clear that for non-statutory arbitrations, in applying the transitional provisions in section 36, “commencement” is taken to be 7 June 2010.