

SCHEDULE 1 SCOTTISH ARBITRATION RULES

PART 8

CHALLENGING AWARDS

Rule 70 Legal error appeals: procedure etc. M

- 70 (1) This rule applies only where rule 69 applies.
- (2) A legal error appeal may be made only—
- (a) with the agreement of the parties, or
 - (b) with the leave of the Outer House.
- (3) Leave to make a legal error appeal may be given only if the Outer House is satisfied—
- (a) that deciding the point will substantially affect a party's rights,
 - (b) that the tribunal was asked to decide the point, and
 - (c) that, on the basis of the findings of fact in the award (including any facts which the tribunal treated as established for the purpose of deciding the point), the tribunal's decision on the point—
 - (i) was obviously wrong, or
 - (ii) where the court considers the point to be of general importance, is open to serious doubt.
- (4) An application for leave is valid only if it—
- (a) identifies the point of law concerned, and
 - (b) states why the applicant considers that leave should be granted.
- (5) The Outer House must determine an application for leave without a hearing (unless satisfied that a hearing is required).
- (6) The Outer House's determination of an application for leave is final.
- (7) Any leave to appeal expires 7 days after it is granted (and so any legal error appeal made after then is accordingly invalid unless made with the agreement of the parties).
- (8) The Outer House may decide a legal error appeal by—
- (a) confirming the award,
 - (b) ordering the tribunal to reconsider the award (or part of it), or
 - (c) if it considers reconsideration inappropriate, setting aside the award (or part of it).
- (9) An appeal may be made to the Inner House against the Outer House's decision on a legal error appeal (but only with the leave of the Outer House).
- (10) Leave may be given by the Outer House only where it considers—
- (a) that the proposed appeal would raise an important point of principle or practice, or
 - (b) that there is another compelling reason for the Inner House to consider the appeal.
- (11) The Outer House's decision on whether to grant such leave is final.

Status: This is the original version (as it was originally enacted).

(12) The Inner House's decision on such an appeal is final.