

SCHEDULE 1
SCOTTISH ARBITRATION RULES

PART 9

MISCELLANEOUS

Rule 76 Loss of right to object M

- 76 (1) A party who participates in an arbitration without making a timeous objection on the ground—
- (a) that an arbitrator is ineligible to act as an arbitrator,
 - (b) that an arbitrator is not impartial and independent,
 - (c) that an arbitrator has not treated the parties fairly,
 - (d) that the tribunal does not have jurisdiction,
 - (e) that the arbitration has not been conducted in accordance with—
 - (i) the arbitration agreement,
 - (ii) these rules (in so far as they apply), or
 - (iii) any other agreement by the parties relating to conduct of the arbitration,
 - (f) that the arbitration has been affected by any other serious irregularity,
- may not raise the objection later before the tribunal or the court.
- (2) An objection is timeous if it is made—
- (a) as soon as reasonably practicable after the circumstances giving rise to the ground for objection first arose,
 - (b) by such later date as may be allowed by—
 - (i) the arbitration agreement,
 - (ii) these rules (in so far as they apply),
 - (iii) the other party, or
 - (c) where the tribunal considers that circumstances justify a later objection, by such later date as it may allow.
- (3) This rule does not apply where the party shows that it did not object timeously because it—
- (a) did not know of the ground for objection, and
 - (b) could not with reasonable diligence have discovered that ground.
- (4) This rule does not allow a party to raise an objection which it is barred from raising for any reason other than failure to object timeously.