



Arbitration (Scotland) Act 2010

2010 asp 1

Scottish Arbitration Rules

9 Default rules

- (1) The non-mandatory rules are called the “default rules”.
- (2) A default rule applies in relation to an arbitration seated in Scotland only in so far as the parties have not agreed to modify or disapply that rule (or any part of it) in relation to that arbitration.
- (3) Parties may so agree—
 - (a) in the arbitration agreement, or
 - (b) by any other means at any time before or after the arbitration begins.
- (4) Parties are to be treated as having agreed to modify or disapply a default rule—
 - (a) if or to the extent that the rule is inconsistent with or disapplied by—
 - (i) the arbitration agreement,
 - (ii) any arbitration rules or other document (for example, the UNCITRAL Model Law, the UNCITRAL Arbitration Rules or other institutional rules) which the parties agree are to govern the arbitration, or
 - (iii) anything done with the agreement of the parties, or
 - (b) if they choose a law other than Scots law as the applicable law in respect of the rule's subject matter.

This subsection does not affect the generality of subsections (2) and (3).

Modifications etc. (not altering text)

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| 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)) |
| 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)) |

Changes to legislation: Arbitration (Scotland) Act 2010, Section 9 is up to date with all changes known to be in force on or before 22 April 2024. 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) View outstanding changes

- 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

- I1** S. 9 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, Section 9 is up to date with all changes known to be in force on or before 22 April 2024. 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.

[View outstanding changes](#)

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\(5\)](#)