
STATUTORY INSTRUMENTS

1999 No. 929

Act of Sederunt (Summary Applications, Statutory Applications and Appeals etc. Rules) 1999

CHAPTER 3

RULES ON APPLICATIONS UNDER SPECIFIC STATUES

PART XII

**REQUESTS OR APPLICATIONS UNDER THE MODEL
LAW ON INTERNATIONAL COMMERCIAL ARBITRATION**

Interpretation

3.12.1 In this Part, “the Model Law” means the United Nations Commission on International Trade Law Model Law on International Commercial Arbitration as set out in Schedule 7 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990⁽¹⁾.

Application

3.12.2.—(1) Subject to sub-paragraph (2), any request or application which may be made to the sheriff under the Model Law shall be made by summary application.

(2) Where proceedings involving the same arbitration and the same parties are already pending before the sheriff under this Part, a further application or request may be made by note in the same process.

(3) The sheriff shall order service of such summary application or note to be made on such persons as he considers appropriate.

Recognition and enforcement of awards

3.12.3.—(1) There shall be lodged along with an application under Article 35 of the Model Law—

- (a) the original arbitration agreement or certified copy thereof;
- (b) the duly authenticated original award or certified copy thereof; and
- (c) where appropriate, a duly certified translation in English of the agreement and award.

(2) An application under this paragraph shall specify whether to the knowledge of the applicant—

- (a) the arbitral award has been recognised, or is being enforced, in any other jurisdiction; and
- (b) an application for setting aside or suspension of the arbitral award has been made to a court of the country in which or under whose law the award was made.

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(3) Where the sheriff is satisfied that an arbitral award should be recognised and enforced, he shall so order and shall instruct the sheriff clerk to register the award in the Books of the Sheriff Court for execution.