

*These notes relate to the Arbitration (Scotland) Act 2010
(asp 1) which received Royal Assent on 5 January 2010*

ARBITRATION (SCOTLAND) ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Final provisions

Schedule 1 – Scottish Arbitration Rules

Part 4 – Arbitral proceedings

Rule 30 – Tribunal decisions *Default*

158. Rule 30 is a default rule. In the absence of agreement between the parties, rule 30(1) provides on a default basis that decisions, orders and awards can be made by all or a majority of the arbitrators.
159. Where there is neither unanimity nor a majority, rule 30(2)(a) provides that any chair will have the casting vote. Rule 30(2)(b) provides that where there is neither unanimity nor a majority decision and there is no agreement as to who is to chair an arbitral tribunal and so take the decision, where there are 3 or more arbitrators, the decision will be made by the last arbitrator appointed and where there are 2 arbitrators, the decision will be made by an umpire, and for appointment of such an umpire in those circumstances.