

**Changes to legislation:** Arbitration (Scotland) Act 2010, Paragraph 71 is up to date with all changes known to be in force on or before 23 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

## SCHEDULE 1 SCOTTISH ARBITRATION RULES

### Modifications etc. (not altering text)

- C1 Sch. 1 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](#))
- C1 Sch. 1 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](#))
- C1 Sch. 1 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](#))
- C1 Sch. 1 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\(2\)](#))
- C1 Sch. 1 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\(3\)](#))
- C1 Sch. 1 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\(4\)](#))
- C1 Sch. 1 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](#))
- C1 Sch. 1 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\(2\)](#))
- C1 Sch. 1 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\(3\)](#))
- C1 Sch. 1 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](#))
- C1 Sch. 1: 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](#))
- C1 Sch. 1 excluded (17.8.2023) by [The Police Negotiating Board for Scotland \(Constitution, Arbitration and Qualifying Cases\) Regulations 2023 \(S.S.I. 2023/199\)](#), regs. 1(1), [3](#)

## PART 8

### CHALLENGING AWARDS

#### *Rule 71 Challenging an award: supplementary M*

- 71 (1) This rule applies to—
- (a) jurisdictional appeals,
  - (b) serious irregularity appeals, and
  - (c) where rule 69 applies to the arbitration, legal error appeals,
- and references to “appeal” are to be construed accordingly.
- (2) An appeal is competent only if the appellant has exhausted any available arbitral process of appeal or review (including any recourse available under rule 58).
- (3) No appeal may be made against a provisional award.
- (4) An appeal must be made no later than 28 days after the later of the following dates—
- (a) the date on which the award being appealed against is made,

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- (b) if the award is subject to a process of correction under rule 58, the date on which the tribunal decides whether to correct the award, or
- (c) if there has been an arbitral process of appeal or review, the date on which the appellant was notified of the result of that process.

A legal error appeal is to be treated as having being made for the purposes of this rule if an application for leave is made.

- (5) An application for leave to appeal against the Outer House's decision on an appeal must be made no later than 28 days after the date on which the decision is made (and any such leave expires 7 days after it is granted).
- (6) An appellant must give notice of an appeal to the other party and the tribunal.
- (7) The tribunal may continue with the arbitration pending determination of an appeal against a part award.
- (8) The Outer House (or the Inner House in the case of an appeal against the Outer House's decision) may—
  - (a) order the tribunal to state its reasons for the award being appealed in sufficient detail to enable the Outer House (or Inner House) to deal with the appeal properly, and
  - (b) make any other order it thinks fit with respect to any additional expenses arising from that order.
- (9) Where the Outer House (or the Inner House in the case of an appeal against the Outer House's decision) decides an appeal by setting aside the award (or any part of it), it may also order that any provision in an arbitration agreement which prevents the bringing of legal proceedings in relation to the subject-matter of the award (or that part of it) is void.
- (10) The Outer House (or the Inner House in the case of an appeal against the Outer House's decision) may—
  - (a) order an appellant (or an applicant for leave to appeal) to provide security for the expenses of the appeal (or application), and
  - (b) dismiss the appeal (or application) if the order is not complied with.
- (11) But such an order may not be made only on the ground that the appellant (or applicant)—
  - (a) is an individual who ordinarily resides outwith the United Kingdom, or
  - (b) is a body which is—
    - (i) incorporated or formed under the law of a country outwith the United Kingdom, or
    - (ii) managed or controlled from outwith the United Kingdom.
- (12) The Outer House (or the Inner House in the case of an appeal against the Outer House's decision) may—
  - (a) order that any amount due under an award being appealed (or any associated provisional award) must be paid into court or otherwise secured pending its decision on the appeal (or the application for leave to appeal), and
  - (b) dismiss the appeal (or application) if the order is not complied with.
- (13) An appeal to the Inner House against any decision of the Outer House under this rule may be made only with the leave of the Outer House.

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- (14) An application for leave to appeal against such a decision must be made no later than 28 days after the date on which the decision is made (and any such leave expires 7 days after it is granted).
- (15) 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.
- (16) The Outer House's decision on whether to grant such leave is final.
- (17) A decision of the Inner House under this rule (including any decision on an appeal against a decision by the Outer House) is final.

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**Commencement Information**

**II** Sch. 1 rule 71 in force at 7.6.2010 for specified purposes by [S.S.I. 2010/195](#), art. 2 (with arts. 3, 4)

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**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\(5\)](#)