

SCHEDULE 1
SCOTTISH ARBITRATION RULES

PART 9

MISCELLANEOUS

Rule 83 Formal communications D

- 83 (1) A “formal communication” means any application, award, consent, direction, notice, objection, order, reference, request, requirement or waiver made or given or any document served—
- (a) in pursuance of an arbitration agreement,
 - (b) for the purposes of these rules (in so far as they apply), or
 - (c) otherwise in relation to an arbitration.
- (2) A formal communication must be in writing.
- (3) A formal communication is made, given or served if it is—
- (a) hand delivered to the person concerned,
 - (b) sent to the person concerned by first class post in a properly addressed envelope or package—
 - (i) in the case of an individual, to the individual’s principal place of business or usual or last known abode,
 - (ii) in the case of a body corporate, to the body’s registered or principal office, or
 - (iii) in either case, to any postal address designated for the purpose by the intended recipient (such designation to be made by giving notice to the person giving or serving the formal communication), or
 - (c) sent to the person concerned in some other way (including by email, fax or other electronic means) which the sender reasonably considers likely to cause it to be delivered on the same or next day.
- (4) A formal communication which is sent by email, fax or other electronic means is to be treated as being in writing only if it is legible and capable of being used for subsequent reference.
- (5) A formal communication is, unless the contrary is proved, to be treated as having been made, given or served—
- (a) where hand delivered, on the day of delivery,
 - (b) where posted, on the day on which it would be delivered in the ordinary course of post, or
 - (c) where sent in any other way described above, on the day after it is sent.
- (6) The tribunal may determine that a formal communication—
- (a) is to be delivered in such other manner as it may direct, or
 - (b) need not be delivered,
- but it may do so only if satisfied that it is not reasonably practicable for the formal communication to be made, given or served in accordance with this rule (or, as the case may be, with any contrary agreement between the parties).

Status: This is the original version (as it was originally enacted).

- (7) This rule does not apply in relation to any application, order, notice, document or other thing which is made, given or served in or for the purposes of legal proceedings.