

Changes to legislation: Arbitration (Scotland) Act 2010, Part 3 is up to date with all changes known to be in force on or before 13 April 2021. 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](#))

PART 3

GENERAL DUTIES

Rule 24 General duty of the tribunal M

- 24 (1) The tribunal must—
- (a) be impartial and independent,
 - (b) treat the parties fairly, and
 - (c) conduct the arbitration—
 - (i) without unnecessary delay, and
 - (ii) without incurring unnecessary expense.
- (2) Treating the parties fairly includes giving each party a reasonable opportunity to put its case and to deal with the other party's case.

Commencement Information

- II Sch. 1 rule 24 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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Rule 25 General duty of the parties M

- 25 The parties must ensure that the arbitration is conducted—
- (a) without unnecessary delay, and
 - (b) without incurring unnecessary expense.

Commencement Information

I2 Sch. 1 rule 25 in force at 7.6.2010 for specified purposes by [S.S.I. 2010/195](#), art. 2 (with arts. 3, 4)

Rule 26 Confidentiality D

- 26 (1) Disclosure by the tribunal, any arbitrator or a party of confidential information relating to the arbitration is to be actionable as a breach of an obligation of confidence unless the disclosure—
- (a) is authorised, expressly or impliedly, by the parties (or can reasonably be considered as having been so authorised),
 - (b) is required by the tribunal or is otherwise made to assist or enable the tribunal to conduct the arbitration,
 - (c) is required—
 - (i) in order to comply with any enactment or rule of law,
 - (ii) for the proper performance of the discloser's public functions, or
 - (iii) in order to enable any public body or office-holder to perform public functions properly,
 - (d) can reasonably be considered as being needed to protect a party's lawful interests,
 - (e) is in the public interest,
 - (f) is necessary in the interests of justice, or
 - (g) is made in circumstances in which the discloser would have absolute privilege had the disclosed information been defamatory.
- (2) The tribunal and the parties must take reasonable steps to prevent unauthorised disclosure of confidential information by any third party involved in the conduct of the arbitration.
- (3) The tribunal must, at the outset of the arbitration, inform the parties of the obligations which this rule imposes on them.
- (4) “Confidential information”, in relation to an arbitration, means any information relating to—
- (a) the dispute,
 - (b) the arbitral proceedings,
 - (c) the award, or
 - (d) any civil proceedings relating to the arbitration in respect of which an order has been granted under section 15 of this Act,
- which is not, and has never been, in the public domain.

Commencement Information

I3 Sch. 1 rule 26 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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Rule 27 Tribunal deliberations D

- 27 (1) The tribunal's deliberations may be undertaken in private and accordingly need not be disclosed to the parties.
- (2) But, where an arbitrator fails to participate in any of the tribunal's deliberations, the tribunal must disclose that fact (and the extent of the failure) to the parties.

Commencement Information

I4 Sch. 1 rule 27 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\(5\)](#)