



Contract (Third Party Rights) (Scotland) Act 2017

2017 asp 5

9 Arbitration

- (1) In relation to a dispute to which subsection (2) or (3) applies, the person who has the third-party right mentioned in subsection (2) or (as the case may be) (3) is to be regarded as a party to the arbitration agreement mentioned in that subsection.
- (2) This subsection applies to a dispute if—
 - (a) the dispute concerns an undertaking being enforced or otherwise invoked by virtue of a person's third-party right to do so, and
 - (b) an arbitration agreement provides for a dispute on the matter under dispute to be resolved by arbitration.
- (3) This subsection applies to a dispute if—
 - (a) subsection (2) does not apply to the dispute,
 - (b) an arbitration agreement provides for a dispute on the matter under dispute to be resolved by arbitration,
 - (c) a person has a third-party right to enforce or otherwise invoke an undertaking to resolve a dispute on the matter by arbitration under the agreement, and
 - (d) the person who has the third-party right has—
 - (i) submitted the dispute to arbitration, or
 - (ii) sought a sist of legal proceedings concerning the matter under dispute on the basis that an arbitration agreement provides for a dispute on the matter to be resolved by arbitration.
- (4) For the purpose of subsection (3)(d)(i), the person who has the third-party right is to be regarded as having submitted the dispute to arbitration if the person has done whatever a party to the agreement would need to do in order to submit the dispute to arbitration.
- (5) A person is not to be regarded as having renounced a third-party right to enforce or otherwise invoke an undertaking to resolve a dispute by arbitration by bringing legal proceedings in relation to the dispute.
- (6) In this section—

Changes to legislation: There are currently no known outstanding effects for the Contract (Third Party Rights) (Scotland) Act 2017, Section 9. (See end of Document for details)

“arbitration agreement” has the meaning given by section 4 of the Arbitration (Scotland) Act 2010, and

“dispute” is to be construed in accordance with section 2(1) of that Act.

Commencement Information

II S. 9 in force at 26.2.2018 by S.S.I. 2018/8, reg. 2

Changes to legislation:

There are currently no known outstanding effects for the Contract (Third Party Rights) (Scotland) Act 2017, Section 9.