

Draft Order laid before the Scottish Parliament under section 33(3) of the Arbitration (Scotland) Act 2010, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2024 No.

ARBITRATION

**The Tied Pubs (Scottish Arbitration
Rules) Amendment Order 2024**

Made - - - - 2024
Coming into force - - 7th October 2024

The Scottish Ministers make the following Order in exercise of the powers conferred by section 17(b) of the Arbitration (Scotland) Act 2010(1) and all other powers enabling them to do so.

In accordance with section 33(3) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

Citation and commencement

1. This Order may be cited as the Tied Pubs (Scottish Arbitration Rules) Amendment Order 2024 and comes into force on 7 October 2024.

Modification of the Tied Pubs (Scotland) Act 2021

2.—(1) Section 14 (adjudicator’s duty to arbitrate or appoint arbitrator) of the Tied Pubs (Scotland) Act 2021(2) is amended in accordance with paragraphs (2) and (3).

(2) For subsection (2)(b) substitute—

“(b) on nomination of the arbitrator either—

- (i) the rules of another dispute resolution body, or
- (ii) the Scottish Arbitration Rules.”

(3) After subsection (3), insert—

“(4) Until the Arbitration (Scotland) Act 2010(3) is in force in relation to any arbitration carried out in pursuance of this section, that Act applies as if it were in force in relation to that arbitration (but see section 16(3) of that Act).

(1) 2010 asp 1.
(2) 2021 asp 17.
(3) 2010 asp 1.

(5) In this section, “Scottish Arbitration Rules” means the rules set out in schedule 1 of the Arbitration (Scotland) Act 2010.”.

St Andrew’s House,
Edinburgh
Date

Name
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under section 17(b) of the Arbitration (Scotland) Act 2010. The Order allows the Adjudicator, or a person appointed by the Adjudicator, the option of adjudicating disputes under the Tied Pubs (Scotland) Act 2021 under the Scottish Arbitration Rules.

Article 2 amends section 14 of the Tied Pubs (Scotland) Act 2021 to include the Scottish Arbitration Rules for the purposes of arbitration. The amendment enables the Adjudicator to nominate the Scottish Arbitration Rules to apply for the purposes of arbitration under the Act. Any provision under the Arbitration (Scotland) Act 2010 that is inconsistent with a provision within the Tied Pubs (Scotland) Act 2021 in relation to statutory arbitration will not apply as provided for by s.16(3) of the 2010 Act.

A Business and Regulatory Impact Assessment, Equality Impact Assessment, Data Protection Impact Assessment, and Fairer Scotland Duty Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from the Scottish Government, B1 Spur, Saughton House, Broomhouse Drive, Edinburgh EH11 3XD.