
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 188

The Network Rail (Waverley Steps) Order 2010

PART 4

MISCELLANEOUS AND GENERAL

Dispute resolution

40.—(1) Where under this Order any dispute (other than a dispute to which the provisions of the Lands Clauses Acts apply) is to be determined by arbitration (in default of other agreed dispute resolution procedure), the dispute shall be referred to, and settled by, a single arbiter to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President for the time being of the Institution of Civil Engineers.

(2) An arbiter appointed under this article shall be entitled to state a case for the opinion of the Court of Session pursuant to section 3 of the Administration of Justice (Scotland) Act 1972⁽¹⁾.

(3) Section 108 of the Housing Grants, Construction and Regeneration Act 1996⁽²⁾ (right to refer disputes to adjudication) shall not apply to any dispute in respect of a provision of this Order (whether or not it is a dispute of the sort described in subsection (1)).

(1) 1972 c.59, section 3 was amended by the Trade Union and Labour Relations (Consolidation) Act 1992 (c.52), Schedule 1.
(2) 1996 c.53.