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SCOTTISH STATUTORY INSTRUMENTS

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**2010 No. 220**

**ARBITRATION**

The Arbitration (Scotland) Act 2010  
(Consequential Amendments) Order 2010

*Made* - - - - - *4th June 2010*  
*Coming into force* - - - - - *5th June 2010*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 32 of the Arbitration (Scotland) Act 2010<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 33(3) of the Arbitration (Scotland) Act 2010 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 Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 and comes into force on the day after the day on which it is made.

**Consequential amendments**

2. The amendments specified in the Schedule have effect.

St Andrew's House, Edinburgh  
4th June 2010

*KENNY MACASKILL*  
A member of the Scottish Executive

## SCHEDULE

Article 2

*Commonwealth Telegraphs Act 1949 (c.39)*

1. In section 8(2)(2) of the Commonwealth Telegraphs Act 1949 (proceedings before referees under that Act), after “Nothing in” insert “any of sections 1 to 15 of and schedule 1 to the Arbitration (Scotland) Act 2010 or”.

*Patents Act 1949 (c.87)*

2. In section 67(4)(3) of the Patents Act 1949 (proceedings as to infringement of pre-1978 patents referred to the Comptroller-General of Patents, Designs and Trade Marks)—

- (a) at the beginning insert “Nothing in any of sections 1 to 15 of and schedule 1 to the Arbitration (Scotland) Act 2010 or”; and
- (b) for “shall not apply” substitute “applies”.

*Factories Act 1961 (c.34)*

3.—(1) In section 171(4) (application of the Arbitration Act 1996) of the Factories Act 1961—

- (a) at the beginning insert “Nothing in any of sections 1 to 15 of and schedule 1 to the Arbitration (Scotland) Act 2010 or”;
- (b) for “does not apply” substitute “applies”; and
- (c) for “it” substitute “those provisions”.

(2) In the heading of that section, after “application of” insert “the Arbitration (Scotland) Act 2010 or”.

*Transport Act 1962 (c.46)*

4.—(1) The Transport Act 1962 is amended as follows.

(2) In section 74(6)(f)(5) (proceedings before referees in pension disputes), after “Nothing in” insert “any of sections 1 to 15 of and schedule 1 to the Arbitration (Scotland) Act 2010 or”.

(3) In section 81(7)(d) (proceedings before referees in compensation disputes), after “Nothing in” insert “any of sections 1 to 15 of and schedule 1 to the Arbitration (Scotland) Act 2010 or”.

(4) In paragraph 17(5)(d) of Part IV (pensions) of Schedule 7, after “Nothing in” insert “any of sections 1 to 15 of and schedule 1 to the Arbitration (Scotland) Act 2010 or”.

*Patents Act 1977 (c.37)*

5. In section 130(8)(6) of the Patents Act 1977 (exclusion of the Arbitration Act 1996)—

- (a) at the beginning insert “Nothing in any of sections 1 to 15 of and schedule 1 to the Arbitration (Scotland) Act 2010 or”; and
- (b) for “shall not apply” substitute “applies”.

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(2) Section 8(2) was amended by the Arbitration Act 1996 (c. 23) (“the 1996 Act”), Schedule 3, paragraph 5.

(3) Section 67(4) was amended by the 1996 Act, Schedule 3, paragraph 8.

(4) Section 171 was substituted by the 1996 Act, Schedule 3, paragraph 14.

(5) Sections 74(6)(f), 81(7) and paragraph 17(5) were amended by the 1996 Act, Schedule 3, paragraph 16.

(6) Section 130(8) was amended by the 1996 Act, Schedule 3, paragraph 33.

*Trade Union and Labour Relations (Consolidation) Act 1992 (c.52)*

- 6.—(1) The Trade Union and Labour Relations (Consolidation) Act 1992 is amended as follows.
- (2) In section 212(5)(7) (application of the Arbitration Act 1996)—
- (a) at the beginning insert “Nothing in any of sections 1 to 15 of and schedule 1 to the Arbitration (Scotland) Act 2010 or”; and
  - (b) for “does not apply” substitute “applies”.
- (3) In section 263(6)(a) (application of the Arbitration Act 1996) for “section 3 of the Administration of Justice (Scotland) Act 1972 (power of arbiter to state case to Court of Session)” substitute “sections 1 to 15 of and schedule 1 to the Arbitration (Scotland) Act 2010”.

*Employment Tribunals Act 1996 (c. 17)*

7. In section 6(2)(8) of the Employment Tribunals Act 1996 (procedure of employment tribunals arbitration)—
- (a) at the beginning, insert “Nothing in any of sections 1 to 15 of and schedule 1 to the Arbitration (Scotland) Act 2010 or”; and
  - (b) for “does not apply” substitute “applies”.

*Tribunals, Courts and Enforcement Act 2007 (c. 15)*

8. In paragraph 14 of Schedule 5 to the Tribunals, Courts and Enforcement Act 2007 (tribunal procedure rules), after “provide for” insert “any of the provisions of sections 1 to 15 of and schedule 1 to the Arbitration (Scotland) Act 2010 (which extends to Scotland) or”.

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**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order makes consequential amendments to primary legislation for the purposes of, or in connection with, the Arbitration (Scotland) Act 2010.

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(7) Sections 212(5) and 263(6) were amended by the Arbitration Act 1996 (c. 23) (“the 1996 Act”), Schedule 3, paragraph 56.

(8) Section 6(2) was amended by the 1996 Act, Schedule 3, paragraph 62.