

SCHEDULE

ACAS ARBITRATION SCHEME

IX. APPOINTMENT OF AN ARBITRATOR

Removal of arbitrators: Scottish arbitrations

54S. An arbitrator in a Scottish arbitration may be removed by ACAS under the provisions in paragraphs 55S to 58S below.

55S. An application under the Scheme to remove an arbitrator shall be made to ACAS (addressed to the ACAS Arbitration Section). At the same time as the application is sent to ACAS a copy of the application shall be sent to the other party to the arbitration and to the arbitrator.

56S. ACAS shall, following receipt of an application under paragraph 55S give the other party to the arbitration and the arbitrator such opportunity as ACAS in its sole discretion may consider appropriate to comment on the application.

57S. ACAS may, after such procedure as ACAS in its sole discretion may consider appropriate, remove the arbitrator if it is satisfied:

- (i) that both parties to the arbitration agree that the arbitrator should be removed; or
- (ii) that circumstances exist that give rise to justifiable doubts as to the impartiality of the arbitrator; or
- (iii) that the arbitrator is physically or mentally incapable of conducting the proceedings or there are justifiable doubts as to his capacity to do so.

58S. A decision of ACAS made under paragraph 57S shall be final.

59S. The arbitrator may continue the proceedings and make an award while an application to ACAS to remove him or her is pending.