Agricultural Holdings (Scotland) Act 2003
2003 asp 11

PART 7

JURISDICTION OF THE LAND COURT AND THE RESOLUTION OF DISPUTES

Short limited duration tenancies and limited duration tenancies etc.

79   Arbitration: procedure etc.

(1) This section applies to any arbitration to which a matter is referred by the landlord and tenant under section 78(1)(a).

(2) The agreement of the parties to refer the matter to arbitration has the effect of depriving each party of the right to—
   (a)   have the matter heard (or any issue in relation to the matter determined) by the Land Court (other than on appeal); and
   (b)   agree under section 78(1)(b) to another method of resolving the matter.

(3) It is for the landlord and tenant to agree whether the arbitration is conducted by—
   (a)   a single arbiter; or
   (b)   two arbiters (with or without an oversman),

and the arbiter or, as the case may be, each arbiter may be appointed by the parties or by a person nominated by them.

(4) The procedure to be followed at arbitration (including any matters to be taken into account by the arbiter and the matters to be contained in the arbiter's award) is, subject to subsection (5), to be as the parties agree or, in the absence of such agreement, as the arbiter considers appropriate.

(5) Any provision by virtue of this Act that would apply to the Land Court as respects its consideration or determination of any matter had the matter not been referred to arbitration applies as respects the consideration or determination of the matter by arbitration.

(6) Any party to the arbitration may appeal to the Land Court against the arbiter's award on a question of law within 28 days of the award; and in an appeal under this subsection the Court may—

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(a)   quash, confirm or vary the award or any part of it; and
(b)   where the Court quashes the award or any part of it—
    (i) remit the case to the arbiter for further procedure; and
    (ii) direct the arbiter on any question of law relevant to the case.