



Arbitration (Scotland) Act 2010

2010 asp 1

Arbitration agreements

4 Arbitration agreement **S**

An “arbitration agreement” is an agreement to submit a present or future dispute to arbitration (including any agreement which provides for arbitration in accordance with arbitration provisions contained in a separate document).

Modifications etc. (not altering text)

- C1** Ss. 1-15 excluded by 1962 c. 46, s. 74(6)(f) (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, [sch. para. 4\(2\)](#))
- C2** Ss. 1-15 excluded by 1949 c. 87, s. 67(4) (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, [sch. para. 2](#))
- C3** Ss. 1-15 excluded by 1977 c. 37, s. 130(8) (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, [sch. para. 5](#))
- C4** Ss. 1-15 excluded by 1992 c. 52, s. 263(6) (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, [sch. para. 6\(3\)](#))
- C5** Ss. 1-15 excluded by 1996 c. 17, s. 6(2) (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, [sch. para. 7](#))
- C6** Ss. 1-15 excluded by 1962 c. 46, s. 81(7) (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, [sch. para. 4\(3\)](#))
- C7** Ss. 1-15 excluded by 1961 c. 34, s. 171 (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, [sch. para. 3](#))
- C8** Ss. 1-15: power to exclude or restrict conferred by 2007 c. 15, Sch. 5 para. 14 (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, [sch. para. 8](#))
- C9** Ss. 1-15 excluded by 1949 c. 39, s. 8(2) (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, [sch. para. 1](#))
- C10** Ss. 1-15 excluded by 1992 c. 52, s. 212(5) (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, [sch. para. 6\(2\)](#))
- C11** Ss. 1-15 excluded by 1962 c. 46, Sch. 7 para. 17(5) (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, [sch. para. 4\(4\)](#))

Changes to legislation: Arbitration (Scotland) Act 2010, Cross Heading: Arbitration agreements is up to date with all changes known to be in force on or before 28 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

II S. 4 in force at 7.6.2010 for specified purposes by S.S.I. 2010/195, **art. 2** (with **art. 3**)

5 Separability **S**

- (1) An arbitration agreement which forms (or was intended to form) part only of an agreement is to be treated as a distinct agreement.
- (2) An arbitration agreement is not void, voidable or otherwise unenforceable only because the agreement of which it forms part is void, voidable or otherwise unenforceable.
- (3) A dispute about the validity of an agreement which includes an arbitration agreement may be arbitrated in accordance with that arbitration agreement.

Modifications etc. (not altering text)

- C1** Ss. 1-15 excluded by 1962 c. 46, s. 74(6)(f) (as amended (5.6.2010) by *The Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (S.S.I. 2010/220)*, **art. 1, sch. para. 4(2)**)
- C2** Ss. 1-15 excluded by 1949 c. 87, s. 67(4) (as amended (5.6.2010) by *The Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (S.S.I. 2010/220)*, **art. 1, sch. para. 2**)
- C3** Ss. 1-15 excluded by 1977 c. 37, s. 130(8) (as amended (5.6.2010) by *The Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (S.S.I. 2010/220)*, **art. 1, sch. para. 5**)
- C4** Ss. 1-15 excluded by 1992 c. 52, s. 263(6) (as amended (5.6.2010) by *The Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (S.S.I. 2010/220)*, **art. 1, sch. para. 6(3)**)
- C5** Ss. 1-15 excluded by 1996 c. 17, s. 6(2) (as amended (5.6.2010) by *The Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (S.S.I. 2010/220)*, **art. 1, sch. para. 7**)
- C6** Ss. 1-15 excluded by 1962 c. 46, s. 81(7) (as amended (5.6.2010) by *The Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (S.S.I. 2010/220)*, **art. 1, sch. para. 4(3)**)
- C7** Ss. 1-15 excluded by 1961 c. 34, s. 171 (as amended (5.6.2010) by *The Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (S.S.I. 2010/220)*, **art. 1, sch. para. 3**)
- C8** Ss. 1-15: power to exclude or restrict conferred by 2007 c. 15, Sch. 5 para. 14 (as amended (5.6.2010) by *The Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (S.S.I. 2010/220)*, **art. 1, sch. para. 8**)
- C9** Ss. 1-15 excluded by 1949 c. 39, s. 8(2) (as amended (5.6.2010) by *The Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (S.S.I. 2010/220)*, **art. 1, sch. para. 1**)
- C10** Ss. 1-15 excluded by 1992 c. 52, s. 212(5) (as amended (5.6.2010) by *The Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (S.S.I. 2010/220)*, **art. 1, sch. para. 6(2)**)
- C11** Ss. 1-15 excluded by 1962 c. 46, Sch. 7 para. 17(5) (as amended (5.6.2010) by *The Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (S.S.I. 2010/220)*, **art. 1, sch. para. 4(4)**)

Commencement Information

I2 S. 5 in force at 7.6.2010 for specified purposes by S.S.I. 2010/195, **art. 2** (with **art. 3**)

6 Law governing arbitration agreement **S**

Where—

- (a) the parties to an arbitration agreement agree that an arbitration under that agreement is to be seated in Scotland, but
- (b) the arbitration agreement does not specify the law which is to govern it,

Changes to legislation: Arbitration (Scotland) Act 2010, Cross Heading: Arbitration agreements is up to date with all changes known to be in force on or before 28 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

then, unless the parties otherwise agree, the arbitration agreement is to be governed by Scots law.

Modifications etc. (not altering text)

- C1** Ss. 1-15 excluded by 1962 c. 46, s. 74(6)(f) (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, **sch. para. 4(2)**)
- C2** Ss. 1-15 excluded by 1949 c. 87, s. 67(4) (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, **sch. para. 2**)
- C3** Ss. 1-15 excluded by 1977 c. 37, s. 130(8) (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, **sch. para. 5**)
- C4** Ss. 1-15 excluded by 1992 c. 52, s. 263(6) (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, **sch. para. 6(3)**)
- C5** Ss. 1-15 excluded by 1996 c. 17, s. 6(2) (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, **sch. para. 7**)
- C6** Ss. 1-15 excluded by 1962 c. 46, s. 81(7) (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, **sch. para. 4(3)**)
- C7** Ss. 1-15 excluded by 1961 c. 34, s. 171 (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, **sch. para. 3**)
- C8** Ss. 1-15: power to exclude or restrict conferred by 2007 c. 15, Sch. 5 para. 14 (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, **sch. para. 8**)
- C9** Ss. 1-15 excluded by 1949 c. 39, s. 8(2) (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, **sch. para. 1**)
- C10** Ss. 1-15 excluded by 1992 c. 52, s. 212(5) (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, **sch. para. 6(2)**)
- C11** Ss. 1-15 excluded by 1962 c. 46, Sch. 7 para. 17(5) (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, **sch. para. 4(4)**)

Commencement Information

- I3** S. 6 in force at 7.6.2010 for specified purposes by [S.S.I. 2010/195](#), **art. 2** (with art. 3)

Changes to legislation:

Arbitration (Scotland) Act 2010, Cross Heading: Arbitration agreements is up to date with all changes known to be in force on or before 28 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) (temp.) by [2014 c. 1 s. 16\(4\)](#)
- Act power to amend conferred by [2014 c. 1 s. 16\(5\)](#)