



Arbitration (Scotland) Act 2010

2010 asp 1

Supplementary

23 Prescription and limitation **S**

- (1) The Prescription and Limitation (Scotland) Act 1973 (c. 52) is amended as follows.
- (2) In section 4 (positive prescription: interruption)—
 - (a) in subsection (2)(b), after “Scotland” insert “ in respect of which an arbitrator (or panel of arbitrators) has been appointed ”,
 - (b) in subsection (3)(a), for the words from “and” to “served” substitute “ , the date when the arbitration begins ”,
 - (c) for subsection (4) substitute—

“(4) An arbitration begins for the purposes of this section—

 - (a) when the parties to the arbitration agree that it begins, or
 - (b) in the absence of such agreement, in accordance with rule 1 of the Scottish Arbitration Rules (see section 7 of, and schedule 1 to, the Arbitration (Scotland) Act 2010 (asp 1)).”.
- (3) In section 9 (negative prescription: interruption)—
 - (a) in subsection (3), for the words from “and” to “served” substitute “ the date when the arbitration begins ”,
 - (b) in subsection (4), for “preliminary notice” substitute “ the date when the arbitration begins ”.
- (4) After section 19C, insert—

“19CA Interruption of limitation period: arbitration

- (1) Any period during which an arbitration is ongoing in relation to a matter is to be disregarded in any computation of the period specified in section 17(2), 18(2), 18A(1) or 18B(2) of this Act in relation to that matter.
- (2) In this section, “arbitration” means—
 - (a) any arbitration in Scotland,

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- (b) any arbitration in a country other than Scotland, being an arbitration an award in which would be enforceable in Scotland.”.
- (5) In section 22A(4), for the words from “and” to “served” substitute “ the date when the arbitration begins (within the meaning of section 4(4) of this Act) ”.
- (6) After section 22C, insert—

“22CA Interruption of limitation period for 1987 Act actions: arbitration

- (1) Any period during which an arbitration is ongoing in relation to a matter is to be disregarded in any computation of the period specified in section 22B(2) or 22C(2) of this Act in relation to that matter.
- (2) In this section, “arbitration” means—
 - (a) any arbitration in Scotland,
 - (b) any arbitration in a country other than Scotland, being an arbitration an award in which would be enforceable in Scotland.”.

Commencement Information

II [S. 23](#) in force at 7.6.2010 for specified purposes by [S.S.I. 2010/195](#), [art. 2](#) (with [arts. 3, 5](#))

24 Arbitral appointments referee S

- (1) Ministers may, by order, authorise persons or types of person who may act as an arbitral appointments referee for the purposes of the Scottish Arbitration Rules.
- (2) Ministers must, when making such an order, have regard to the desirability of ensuring that arbitral appointments referees—
 - (a) have experience relevant to making arbitral appointments, and
 - (b) are able to provide training, and to operate disciplinary procedures, designed to ensure that arbitrators conduct themselves appropriately.
- (3) Despite subsection (2)(b), an arbitral appointments referee is not obliged to appoint arbitrators in respect of whom the referee provides training or operates disciplinary procedures.

Commencement Information

I2 [S. 24](#) in force at 7.6.2010 for specified purposes by [S.S.I. 2010/195](#), [art. 2](#) (with [art. 3](#))

25 Power of judge to act as arbitrator or umpire S

- (1) A judge may act as an arbitrator or umpire only where—
 - (a) the dispute being arbitrated appears to the judge to be of commercial character, and
 - (b) the Lord President, having considered the state of Court of Session business, has authorised the judge to so act.

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- (2) A fee of such amount as Ministers may by order prescribe is payable in the Court of Session for the services of a judge acting as an arbitrator or umpire.
- (3) Any jurisdiction exercisable by the Outer House under the Scottish Arbitration Rules (or any other provision of this Act) in relation to—
- (a) a judge acting as a sole arbitrator or umpire, or
 - (b) a tribunal which the judge forms part of,
- is to be exercisable instead by the Inner House (and the Inner House's decision on any matter is final).
- (4) In this section—
- “judge” means a judge of the Court of Session, and
 - “Lord President” means the Lord President of the Court of Session.

Commencement Information

I3 [S. 25](#) in force at 7.6.2010 for specified purposes by [S.S.I. 2010/195](#), [art. 2](#) (with [art. 3](#))

26 Amendments to UNCITRAL Model Law or Rules or New York Convention S

- (1) Ministers may by order modify—
- (a) the Scottish Arbitration Rules,
 - (b) any other provision of this Act, or
 - (c) any enactment which provides for disputes to be resolved by arbitration,
- in such manner as they consider appropriate in consequence of any amendment made to the UNCITRAL Model Law, the UNCITRAL Arbitration Rules or the New York Convention.
- (2) Before making such an order, Ministers must consult such persons appearing to them to have an interest in the law of arbitration as they think fit.

Commencement Information

I4 [S. 26](#) in force at 7.6.2010 for specified purposes by [S.S.I. 2010/195](#), [art. 2](#) (with [art. 3](#))

27 Amendment of Conveyancing (Scotland) Act 1924 (c. 27) S

In section 46 of the Conveyancing (Scotland) Act 1924—

- (a) in subsection (2), for “This section” substitute “ Subsection (1) ”, and
- (b) after subsection (2) insert—

“(3) Where—

- (a) an arbitral award orders the reduction of a deed or other document recorded in the Register of Sasines (or forming a midcouple or link of title in a title recorded in that Register), and
- (b) the court orders that the award may be enforced in accordance with section 12 of the Arbitration (Scotland) Act 2010 (asp 1),

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subsection (1) applies to the arbitral award as it applies to a decree of reduction of a deed recorded in the Register of Sasines.”.

Commencement Information

I5 [S. 27](#) in force at 7.6.2010 for specified purposes by [S.S.I. 2010/195](#), **art. 2** (with [art. 3](#))

28 Articles of Regulation 1695 **S**

The 25th Act of the Articles of Regulation 1695 does not apply in relation to arbitration.

Commencement Information

I6 [S. 28](#) in force at 7.6.2010 for specified purposes by [S.S.I. 2010/195](#), **art. 2** (with [art. 3](#))

29 Repeals **S**

The repeals of the enactments specified in column 1 of schedule 2 have effect to the extent specified in column 2.

Commencement Information

I7 [S. 29](#) in force at 7.6.2010 for specified purposes by [S.S.I. 2010/195](#), **art. 2** (with [art. 3](#))

30 Arbitrability of disputes **S**

Nothing in this Act makes any dispute capable of being arbitrated if, because of its subject-matter, it would not otherwise be capable of being arbitrated.

Commencement Information

I8 [S. 30](#) in force at 7.6.2010 for specified purposes by [S.S.I. 2010/195](#), **art. 2** (with [art. 3](#))

Changes to legislation:

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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\(5\)](#)