



# Arbitration (Scotland) Act 2010

## 2010 asp 1

### *Suspension of legal proceedings*

#### **10 Suspension of legal proceedings**

- (1) The court must, on an application by a party to legal proceedings concerning any matter under dispute, sist those proceedings in so far as they concern that matter if—
- (a) an arbitration agreement provides that a dispute on the matter is to be resolved by arbitration (immediately or after the exhaustion of other dispute resolution procedures),
  - (b) the applicant is a party to the arbitration agreement (or is claiming through or under such a party),
  - (c) notice of the application has been given to the other parties to the legal proceedings,
  - (d) the applicant has not—
    - (i) taken any step in the legal proceedings to answer any substantive claim against the applicant, or
    - (ii) otherwise acted since bringing the legal proceedings in a manner indicating a desire to have the dispute resolved by the legal proceedings rather than by arbitration, and
  - (e) nothing has caused the court to be satisfied that the arbitration agreement concerned is void, inoperative or incapable of being performed.
- (2) Any provision in an arbitration agreement which prevents the bringing of the legal proceedings is void in relation to any proceedings which the court refuses to sist.
- This subsection does not apply to statutory arbitrations.
- (3) This section applies regardless of whether the arbitration concerned is to be seated in Scotland.