

*These notes relate to the Arbitration (Scotland) Act 2010  
(asp 1) which received Royal Assent on 5 January 2010*

# **ARBITRATION (SCOTLAND) ACT 2010**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### *Enforcing and challenging arbitral awards etc.*

#### *Section 11 – Arbitral award to be final and binding on parties*

44. **Section 11** provides that an arbitral award is to be final and binding on the parties and persons claiming through or under them (for example an assignee or successor to rights under an arbitration agreement). It protects the interest of third parties, in particular where the award seeks to rectify or reduce a deed or other document (see rule 49(c) of the Scottish Arbitration Rules). Parties can also still challenge the award by any available arbitral process of appeal or review or under Part 8 of those rules. Subsection (4) means that section 11 does not apply to provisional awards under rule 53. Provisional awards are not final and binding only to the extent specified in the award or until superseded by a subsequent award.