

*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

#### *Supplementary*

#### *Section 24 – Arbitral appointments referee*

80. The Scottish Ministers are given the power to authorise by order who is to be an arbitral appointments referee who can appoint an arbitrator in default of the parties making provision for this (see rule 7 of the Scottish Arbitration Rules). The Scottish Ministers must have regard to the criteria for appointment laid out in subsection (2). Subsection (3) provides for the avoidance of doubt that an arbitrator appointed by an arbitral appointments referee need not be subject to the training and disciplinary procedures of the referee.
81. Where an equivalent body has been specified in the arbitration agreement this will prevail over a statutory referee under this section (see section 9(3) and (4) and rule 7(1) (a)).
82. Arbitral appointments referees were duly authorised by the [Arbitral Appointments Referee \(Scotland\) Order 2010 \(S.S.I. 2010/196\)](#). Those authorised by that order to appoint are Agricultural Industries Confederation Ltd., the Chartered Institute of Arbitrators, the Dean of the Faculty of Advocates, the Institution of Civil Engineers, the Law Society of Scotland, the Royal Incorporation of Architects in Scotland, the Royal Institution of Chartered Surveyors and the Scottish Agricultural Arbiters and Valuers Association.