

SCHEDULE 1
SCOTTISH ARBITRATION RULES

PART 4

ARBITRAL PROCEEDINGS

Rule 39 Failure to comply with tribunal direction or arbitration agreement D

- 39 (1) Where a party fails to comply with—
- (a) any direction made by the tribunal, or
 - (b) any obligation imposed by—
 - (i) the arbitration agreement,
 - (ii) these rules (in so far as they apply), or
 - (iii) any other agreement by the parties relating to conduct of the arbitration,
- the tribunal may order the party to so comply.
- (2) Where a party fails to comply with an order made under this rule, the tribunal may do any of the following—
- (a) direct that the party is not entitled to rely on any allegation or material which was the subject-matter of the order,
 - (b) draw adverse inferences from the non-compliance,
 - (c) proceed with the arbitration and make its award,
 - (d) make such provisional award (including an award on expenses) as it considers appropriate in consequence of the non-compliance.