

SCHEDULE 1
SCOTTISH ARBITRATION RULES

PART 5

POWERS OF COURT IN RELATION TO ARBITRAL PROCEEDINGS

Rule 42 Point of law referral: procedure etc. M

- 42 (1) This rule applies only where an application is made under rule 41.
- (2) Such an application is valid only if—
- (a) the parties have agreed that it may be made, or
 - (b) the tribunal has consented to it being made and the court is satisfied—
 - (i) that determining the question is likely to produce substantial savings in expenses,
 - (ii) that the application was made without delay, and
 - (iii) that there is a good reason why the question should be determined by the court.
- (3) The tribunal may continue with the arbitration pending determination of the application.
- (4) The Outer House’s determination of the question is final (as is any decision by the Outer House as to whether an application is valid).