

SCHEDULE 1
SCOTTISH ARBITRATION RULES

PART 5

POWERS OF COURT IN RELATION TO ARBITRAL PROCEEDINGS

Rule 46 Court's other powers in relation to arbitration D

- 46 (1) The court has the same power in an arbitration as it has in civil proceedings—
- (a) to appoint a person to safeguard the interests of any party lacking capacity,
 - (b) to order the sale of any property in dispute in the arbitration,
 - (c) to make an order securing any amount in dispute in the arbitration,
 - (d) to make an order under section 1 of the Administration of Justice (Scotland) Act 1972 (c. 59),
 - (e) to grant warrant for arrestment or inhibition,
 - (f) to grant interdict (or interim interdict), or
 - (g) to grant any other interim or permanent order.
- (2) But the court may take such action only—
- (a) on an application by any party, and
 - (b) if the arbitration has begun—
 - (i) with the consent of the tribunal, or
 - (ii) where the court is satisfied that the case is one of urgency.
- (3) The tribunal may continue with the arbitration pending determination of the application.
- (4) This rule applies—
- (a) to arbitrations which have begun,
 - (b) where the court is satisfied—
 - (i) that a dispute has arisen or might arise, and
 - (ii) that an arbitration agreement provides that such a dispute is to be resolved by arbitration.
- (5) This rule does not affect—
- (a) any other powers which the court has under any enactment or rule of law in relation to arbitrations, or
 - (b) the tribunal's powers.