

SCHEDULE 1
SCOTTISH ARBITRATION RULES

PART 6

AWARDS

Rule 47 Rules applicable to the substance of the dispute D

- 47 (1) The tribunal must decide the dispute in accordance with—
- (a) the law chosen by the parties as applicable to the substance of the dispute, or
 - (b) if no such choice is made (or where a purported choice is unlawful), the law determined by the conflict of law rules which the tribunal considers applicable.
- (2) Accordingly, the tribunal must not decide the dispute on the basis of general considerations of justice, fairness or equity unless—
- (a) they form part of the law concerned, or
 - (b) the parties otherwise agree.
- (3) When deciding the dispute, the tribunal must have regard to—
- (a) the provisions of any contract relating to the substance of the dispute,
 - (b) the normal commercial or trade usage of any undefined terms in the provisions of any such contract,
 - (c) any established commercial or trade customs or practices relevant to the substance of the dispute, and
 - (d) any other matter which the parties agree is relevant in the circumstances.