

SCHEDULE 1 SCOTTISH ARBITRATION RULES

PART 7

ARBITRATION EXPENSES

Rule 60 Arbitrators' fees and expenses M

- 60 (1) The parties are severally liable to pay to the arbitrators—
- (a) the arbitrators' fees and expenses, including—
 - (i) the arbitrators' fees for conducting the arbitration,
 - (ii) expenses incurred personally by the arbitrators when conducting the arbitration, and
 - (b) expenses incurred by the tribunal when conducting the arbitration, including—
 - (i) the fees and expenses of any clerk, agent, employee or other person appointed by the tribunal to assist it in conducting the arbitration,
 - (ii) the fees and expenses of any expert from whom the tribunal obtains an opinion,
 - (iii) any expenses in respect of meeting and hearing facilities, and
 - (iv) any expenses incurred in determining recoverable arbitration expenses.
- (2) The parties are also severally liable to pay the fees and expenses of—
- (a) any arbitral appointments referee, and
 - (b) any other third party to whom the parties give powers in relation to the arbitration.
- (3) The amount of fees and expenses payable under this rule and the payment terms are—
- (a) to be agreed by the parties and the arbitrators or, as the case may be, the arbitral appointments referee or other third party, or
 - (b) failing such agreement, to be determined by the Auditor of the Court of Session.
- (4) Unless the Auditor of the Court of Session decides otherwise—
- (a) the amount of any fee is to be determined by the Auditor on the basis of a reasonable commercial rate of charge, and
 - (b) the amount of any expenses is to be determined by the Auditor on the basis that a reasonable amount is to be allowed in respect of all reasonably incurred expenses.
- (5) The Auditor of the Court of Session may, when determining the amount of fees and expenses, order the repayment of any fees or expenses already paid which the Auditor considers excessive (and such an order has effect as if it was made by the court).
- (6) This rule does not affect—
- (a) the parties' liability as between themselves for fees and expenses covered by this rule (see rules 62 and 65), or
 - (b) the Outer House's power to make an order under rule 16 (order relating to expenses in cases of arbitrator's resignation or removal).