

SCHEDULE 1
SCOTTISH ARBITRATION RULES

PART 3

GENERAL DUTIES

Rule 24 General duty of the tribunal M

- 24 (1) The tribunal must—
- (a) be impartial and independent,
 - (b) treat the parties fairly, and
 - (c) conduct the arbitration—
 - (i) without unnecessary delay, and
 - (ii) without incurring unnecessary expense.
- (2) Treating the parties fairly includes giving each party a reasonable opportunity to put its case and to deal with the other party's case.

Rule 25 General duty of the parties M

- 25 The parties must ensure that the arbitration is conducted—
- (a) without unnecessary delay, and
 - (b) without incurring unnecessary expense.

Rule 26 Confidentiality D

- 26 (1) Disclosure by the tribunal, any arbitrator or a party of confidential information relating to the arbitration is to be actionable as a breach of an obligation of confidence unless the disclosure—
- (a) is authorised, expressly or impliedly, by the parties (or can reasonably be considered as having been so authorised),
 - (b) is required by the tribunal or is otherwise made to assist or enable the tribunal to conduct the arbitration,
 - (c) is required—
 - (i) in order to comply with any enactment or rule of law,
 - (ii) for the proper performance of the discloser's public functions, or
 - (iii) in order to enable any public body or office-holder to perform public functions properly,
 - (d) can reasonably be considered as being needed to protect a party's lawful interests,
 - (e) is in the public interest,
 - (f) is necessary in the interests of justice, or
 - (g) is made in circumstances in which the discloser would have absolute privilege had the disclosed information been defamatory.
- (2) The tribunal and the parties must take reasonable steps to prevent unauthorised disclosure of confidential information by any third party involved in the conduct of the arbitration.

Status: This is the original version (as it was originally enacted).

- (3) The tribunal must, at the outset of the arbitration, inform the parties of the obligations which this rule imposes on them.
- (4) “Confidential information”, in relation to an arbitration, means any information relating to—
 - (a) the dispute,
 - (b) the arbitral proceedings,
 - (c) the award, or
 - (d) any civil proceedings relating to the arbitration in respect of which an order has been granted under section 15 of this Act,which is not, and has never been, in the public domain.

Rule 27 Tribunal deliberations D

- 27 (1) The tribunal’s deliberations may be undertaken in private and accordingly need not be disclosed to the parties.
- (2) But, where an arbitrator fails to participate in any of the tribunal’s deliberations, the tribunal must disclose that fact (and the extent of the failure) to the parties.