

Changes to legislation: Arbitration (Scotland) Act 2010, Cross Heading: Rule 60 Arbitrators' fees and expenses M is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 1 SCOTTISH ARBITRATION RULES

Modifications etc. (not altering text)

- C1 Sch. 1 excluded by 1949 c. 39, s. 8(2) (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, [sch. para. 1](#))
- C1 Sch. 1 excluded by 1949 c. 87, s. 67(4) (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, [sch. para. 2](#))
- C1 Sch. 1 excluded by 1961 c. 34, s. 171 (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, [sch. para. 3](#))
- C1 Sch. 1 excluded by 1962 c. 46, s. 74(6)(f) (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, [sch. para. 4\(2\)](#))
- C1 Sch. 1 excluded by 1962 c. 46, s. 81(7) (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, [sch. para. 4\(3\)](#))
- C1 Sch. 1 excluded by 1962 c. 46, Sch. 7 para. 17(5) (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, [sch. para. 4\(4\)](#))
- C1 Sch. 1 excluded by 1977 c. 37, s. 130(8) (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, [sch. para. 5](#))
- C1 Sch. 1 excluded by 1992 c. 52, s. 212(5) (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, [sch. para. 6\(2\)](#))
- C1 Sch. 1 excluded by 1992 c. 52, s. 263(6) (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, [sch. para. 6\(3\)](#))
- C1 Sch. 1 excluded by 1996 c. 17, s. 6(2) (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, [sch. para. 7](#))
- C1 Sch. 1: power to exclude or restrict conferred by 2007 c. 15, Sch. 5 para. 14 (as amended (5.6.2010) by [The Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\)](#), art. 1, [sch. para. 8](#))
- C1 Sch. 1 excluded (17.8.2023) by [The Police Negotiating Board for Scotland \(Constitution, Arbitration and Qualifying Cases\) Regulations 2023 \(S.S.I. 2023/199\)](#), regs. 1(1), [3](#)

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

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- (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).

Commencement Information

II Sch. 1 rule 60 in force at 7.6.2010 for specified purposes by [S.S.I. 2010/195](#), art. 2 (with arts. 3, 4)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) (temp.) by [2014 c. 1 s. 16\(4\)](#)
- Act power to amend conferred by [2014 c. 1 s. 16\(5\)](#)