



Arbitration (Scotland) Act 2010

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Suspension of legal proceedings

10 Suspension of legal proceedings

- (1) The court must, on an application by a party to legal proceedings concerning any matter under dispute, sist those proceedings in so far as they concern that matter if—
- (a) an arbitration agreement provides that a dispute on the matter is to be resolved by arbitration (immediately or after the exhaustion of other dispute resolution procedures),
 - (b) the applicant is a party to the arbitration agreement (or is claiming through or under such a party),
 - (c) notice of the application has been given to the other parties to the legal proceedings,
 - (d) the applicant has not—
 - (i) taken any step in the legal proceedings to answer any substantive claim against the applicant, or
 - (ii) otherwise acted since bringing the legal proceedings in a manner indicating a desire to have the dispute resolved by the legal proceedings rather than by arbitration, and
 - (e) nothing has caused the court to be satisfied that the arbitration agreement concerned is void, inoperative or incapable of being performed.
- (2) Any provision in an arbitration agreement which prevents the bringing of the legal proceedings is void in relation to any proceedings which the court refuses to sist.
- This subsection does not apply to statutory arbitrations.
- (3) This section applies regardless of whether the arbitration concerned is to be seated in Scotland.