



# Arbitration (Scotland) Act 2010

## 2010 asp 1

### *Final provisions*

#### **36 Transitional provisions**

- (1) This Act does not apply to an arbitration begun before commencement.
- (2) This Act otherwise applies to an arbitration agreement whether made on, before or after commencement.
- [<sup>F1</sup>(3) Despite subsection (2), this Act does not apply to an arbitration arising under an arbitration agreement (other than an enactment) made before commencement if the parties agree that this Act is not to apply to that arbitration.]
- (4) Ministers may by order specify any day falling at least 5 years after commencement as the day on which subsection (3) is to cease to have effect.
- (5) Before making such an order, Ministers must consult such persons appearing to them to have an interest in the law of arbitration as they think fit.
- (6) Any reference to an arbiter in an arbitration agreement made before commencement is to be treated as being a reference to an arbitrator.
- (7) Any reference in an enactment to a decree arbitral is to be treated for the purposes of section 12 as being a reference to a tribunal's award.
- (8) An express provision in an arbitration agreement made before commencement which disapplies section 3 of the Administration of Justice (Scotland) Act 1972 (c. 59) in relation to an arbitration arising under that agreement is, unless the parties otherwise agree, to be treated as being an agreement to disapply rules 41 and 69 in relation to such an arbitration.
- (9) In this section, “commencement” means the day on which this section comes into force.

#### **Textual Amendments**

- F1** S. 36(3) ceases to have effect (1.1.2017) by virtue of [The Arbitration \(Scotland\) Act 2010 \(Transitional Provisions\) Order 2016 \(S.S.I. 2016/435\)](#), arts. 1(1), 2 (with art. 3)

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**Changes to legislation:** Arbitration (Scotland) Act 2010, Section 36 is up to date with all changes known to be in force on or before 20 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](#)

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#### **Commencement Information**

**II** S. 36 in force at 7.6.2010 for specified purposes by [S.S.I. 2010/195](#), **art. 2** (with [arts. 3, 6](#))

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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\(5\)](#)