



Arbitration (Scotland) Act 2010

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Suspension of legal proceedings

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- (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.