

*These notes relate to the Arbitration (Scotland) Act 2010
(asp 1) which received Royal Assent on 5 January 2010*

ARBITRATION (SCOTLAND) ACT 2010

EXPLANATORY NOTES

THE ACT

Terminology – “arbitrator”

13. In Scots common law there is a technical difference between the term “arbiter”, more commonly used, and the term “arbitrator”, where an arbiter decides in accordance with the law while an arbitrator can decide in terms of general equitable considerations (known as “*ex aequo et bono*”). The Act dispenses with this distinction and the term “arbitrator” is employed throughout the regime established by the Act following modern international arbitral practice.