

Changes to legislation: Arbitration (Scotland) Act 2010, Part 2 is up to date with all changes known to be in force on or before 11 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 2

JURISDICTION OF TRIBUNAL

Rule 19 Power of tribunal to rule on own jurisdiction M

- 19 The tribunal may rule on—
- (a) whether there is a valid arbitration agreement (or, in the case of a statutory arbitration, whether the enactment providing for arbitration applies to the dispute),
 - (b) whether the tribunal is properly constituted, and
 - (c) what matters have been submitted to arbitration in accordance with the arbitration agreement.

Commencement Information

- I1** Sch. 1 rule 19 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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Rule 20 Objections to tribunal's jurisdiction M

- 20 (1) Any party may object to the tribunal on the ground that the tribunal does not have, or has exceeded, its jurisdiction in relation to any matter.
- (2) An objection must be made—
- (a) before, or as soon as is reasonably practicable after, the matter to which the objection relates is first raised in the arbitration, or
 - (b) where the tribunal considers that circumstances justify a later objection, by such later time as it may allow,
- but, in any case, an objection may not be made after the tribunal makes its last award.
- (3) If the tribunal upholds an objection it must—
- (a) end the arbitration in so far as it relates to a matter over which the tribunal has ruled it does not have jurisdiction, and
 - (b) set aside any provisional or part award already made in so far as the award relates to such a matter.
- (4) The tribunal may—
- (a) rule on an objection independently from dealing with the subject-matter of the dispute, or
 - (b) delay ruling on an objection until it makes its award on the merits of the dispute (and include its ruling in that award),
- but, where the parties agree which of these courses the tribunal should take, the tribunal must proceed accordingly.

Commencement Information

I2 Sch. 1 rule 20 in force at 7.6.2010 for specified purposes by [S.S.I. 2010/195](#), art. 2 (with arts. 3, 4)

Rule 21 Appeal against tribunal's ruling on jurisdictional objection M

- 21 (1) A party may, no later than 14 days after the tribunal's decision on an objection under rule 20, appeal to the Outer House against the decision.
- (2) The tribunal may continue with the arbitration pending determination of the appeal.
- (3) The Outer House's decision on the appeal is final.

Commencement Information

I3 Sch. 1 rule 21 in force at 7.6.2010 for specified purposes by [S.S.I. 2010/195](#), art. 2 (with arts. 3, 4)

Rule 22 Referral of point of jurisdiction D

- 22 The Outer House may, on an application by any party, determine any question as to the tribunal's jurisdiction.

Commencement Information

I4 Sch. 1 rule 22 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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Rule 23 Jurisdiction referral: procedure etc. M

- 23 (1) This rule applies only where an application is made under rule 22.
- (2) Such an application is valid only if—
- (a) the parties have agreed that it may be made, or
 - (b) the tribunal has consented to it being made and the court is satisfied—
 - (i) that determining the question is likely to produce substantial savings in expenses,
 - (ii) that the application was made without delay, and
 - (iii) that there is a good reason why the question should be determined by the court.
- (3) The tribunal may continue with the arbitration pending determination of an application.
- (4) The Outer House's determination of the question is final (as is any decision by the Outer House as to whether an application is valid).

Commencement Information

I5 Sch. 1 rule 23 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\(5\)](#)