

SCHEDULE

ACAS ARBITRATION SCHEME

XVII. QUESTIONS OF EC LAW, DEVOLUTION ISSUES AND THE HUMAN RIGHTS ACT 1998

Court determination of preliminary points: Scottish arbitrations

111S. The arbitrator may make a reference to the Court of Session for determination as a preliminary point—

- (i) of any question of EC law,
- (ii) of any question concerning the application of the Human Rights Act 1998, or
- (iii) of any devolution issue

which substantially affects the rights of one or more of the parties to the arbitration.

112S. The arbitrator shall not make a reference under paragraph 111S unless:

- (i) both parties have applied for or have agreed to the making of the reference; or
- (ii) if an application for the reference has been made by one party and opposed by the other party, the arbitrator is satisfied that the application has been made without delay.