

SCHEDULE

ACAS ARBITRATION SCHEME

XXV. CHALLENGING THE AWARD

Challenges on grounds of substantive jurisdiction: Scottish arbitrations

188S. A party to a Scottish arbitration may appeal to the Court of Session—

- (i) challenging any award of the arbitrator as to his or her substantive jurisdiction; or
- (ii) on the ground that an award made by the arbitrator on the merits is of no effect, in whole or in part, because the arbitrator did not have substantive jurisdiction.

189S. A party may lose the right to appeal under paragraph 188S in accordance with Part XXVI below.

190S. Appeals under paragraph 188S are subject to the provisions of paragraphs 206S, 207S and 208S below.

191S. For the purposes of paragraph 188S “substantive jurisdiction” means any issue as to—

- (i) the validity of the Arbitration Agreement and the application of the Scheme to the dispute or difference in question;
- (ii) the constitution of the arbitral tribunal; or
- (iii) the matters which have been submitted to arbitration in accordance with the Arbitration Agreement.

192S. The arbitrator may continue the arbitral proceedings and make a further award while an appeal to the Court under paragraph 188S is pending in relation to an award of the arbitrator as to his substantive jurisdiction.

193S. On an appeal under paragraph 188S the Court may (without prejudice to any other power which it may exercise or remedy which it may grant)—

- (i) confirm the award;
- (ii) vary the award;
- (iii) declare the award to be of no effect in whole or in part; or
- (iv) reduce the award in whole or in part.