CONTENTS

	page
Preface	ix xi
Table of Cases	xiv
Table of Statutes	XIV
Chapter 1: The Nature of an Arbitration	1
Generally	1
The Arbitration Acts	2
Advantages of arbitration	2 3 4
Arbitrability	4
Arrangement of Arbitration Act 1996	4 4 5 6
General principles	4
Mandatory provisions	5
Arbitration and ADR distinguished	6
Arbitration and valuation distinguished The seat of the arbitration	7
Stay of legal proceedings	
Limitations of time	8
(1) Limitations imposed by statute	8 8 8
(2) Limitations imposed by the arbitration agreement	9
Chapter 2: The Arbitration Agreement	12
Conscity of parties	12
Capacity of parties Definition of arbitration agreement	15
The wording of an arbitration agreement	16
Mutuality	18
Incorporation of arbitration agreement from other contract	19
Terms of arbitration agreement	23
Scope of arbitration agreement	24
Separability of arbitration agreement	25
CHAPTER 3: THE ARBITRAL TRIBUNAL	27
Generally	27
The constitution of the arbitral tribunal	28
Appointment of arbitrators	28
Chairman and umpire	30
Arbitrator/advocate	31
Judge-arbitrator	31
Revocation of arbitrator's authority	31
Power of court to remove arbitrator	32

vi CONTENTS

Resignation of arbitrator	33
Death of arbitrator or persons appointing him	33
Filling of vacancy, etc	33
Joint and several liability for fees and expenses	34
Immunity of arbitrator	35
Jurisdiction of the arbitral tribunal	35
CHAPTER 4: THE ARBITRAL PROCEEDINGS	38
General duty of the tribunal	38
Procedural and evidential matters	40
Time and place of the proceedings	41
Languages and translations	42
Formal procedure	42
Disclosure of documents	42
Interrogatories	43
Evidence	43
Inquisitorial procedure	43
Oral or written evidence or submissions	43
Consolidation of proceedings and concurrent hearings	44
Legal or other representation	44
Appointment of experts, legal advisers or assessors	45
General powers of the tribunal Power to make provisional awards	46
General duty of parties	47
Powers of tribunal in case of party's default	47
Securing the attendance of witnesses	49
Court powers exercisable in support of arbitral proceedings	50
Determination of a preliminary point of law	51
Chapter 5: The Award	53
The meaning of "award"	53
Types of award	54
Remedies available to the tribunal	55
Interest	56
Extension of time for making an award	57
Formal requirements of an award	57
Correction of award or additional award	60
Chapter 6: Costs	61
The meaning of costs	61
Award of costs	62
Pacoverable costs of the arbitration	62

CONTENTS	vii
Recoverable fees and expenses of arbitrators	62
Power to limit recoverable costs	63
Sealed offers	64
Chapter 7: Powers of the Court in Relation to Award	65
Introduction	65
(a) Enforcement of the award	65
(b) Challenging the award	66
(c) Appeal on a point of law	71
CHAPTER 8: OTHER PROVISIONS RELATING TO ARBITRATION	74
Introduction	74
(a) Domestic arbitration agreements	74
(b) Consumer arbitration agreements	76
(c) Small claims arbitration in the county court	77
(d) Appointment of judges as arbitrators	78
(e) Statutory arbitrations	78
Chapter 9: Recognition and Enforcement of Certain	
Foreign Awards	80
Introduction	80
Geneva Convention awards	80
New York Convention awards	82
International Chamber of Commerce	84
London Court of International Arbitration	85
Arbitration (International Investment Disputes) Act 1966	85
Multilateral Investment Guarantee Agency Act 1988	86
The International Bar Association	86
UNCITRAL Arbitration Rules	86
CHAPTER 10: AN OUTLINE OF THE SCOTS LAW OF ARBITRATION	88
Introduction	88
Terminology	89
Sources	89
The courts and arbitration	90
Enforcement of arbitration agreement	90
Questions of law	91
Appointment of arbiters and oversmen	92
Arbitration (Scotland) Act 1894	93
Law Reform (Miscellaneous Provisions) (Scotland) Act 1980,	
section 17	94

V	1	1	1

CONTENTS

Procedure	94
Time-limits and prorogations	95
Enforcement of award	96
Challenge of award	96
"Corruption, bribery or falsehood"	96
Excess of jurisdiction	97
Improper procedure	98
Defects in award	98
Judicial references	98
The Model Law	99
The Scottish Arbitration Code	99
Appendices	
1. Arbitration Act 1996	103
2. Arbitration Act 1996 (Commencement No. 1) Order 1996	177
3. Unfair Terms in Consumer Contracts Regulations 1999	179
4. Arbitration (Scotland) Act 1894	190
5. Administration of Justice (Scotland) Act 1972	192
7. 1	194
Index	1)7