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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 435**

**ARBITRATION**

**The Arbitration (Scotland) Act 2010  
(Transitional Provisions) Order 2016**

*Made* - - - - *20th December 2016*

*Coming into force* - - *1st January 2017*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 33(1) and 36(4) of the Arbitration (Scotland) Act 2010<sup>(1)</sup> and all other powers enabling them to do so.

In accordance with section 36(4) of that Act, the day specified in Article 2 falls more than 5 years after the day on which section 36 came into force<sup>(2)</sup>.

In accordance with section 36(5) of that Act, the Scottish Ministers have consulted such persons appearing to them to have an interest in the law of arbitration as they think fit.

In accordance with section 33(3) of that Act, a draft of this instrument has been laid before and approved by resolution of the Scottish Parliament.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Arbitration (Scotland) Act 2010 (Transitional Provisions) Order 2016 and comes into force on 1st January 2017.

(2) In this Order, “the Act” means the Arbitration (Scotland) Act 2010.

**Cessation of section 36(3) of the Act**

2. Section 36(3) of the Act (agreement may disapply the Act in relation to an arbitration arising under an arbitration agreement made prior to commencement) ceases to have effect on 1st January 2017.

**Further transitional provision**

3. Despite article 2, section 36(3) of the Act continues to have effect in relation to an arbitration begun before the day on which this Order comes into force.

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(1) 2010 asp 1.

(2) Section 36 was brought into force on 7th June 2010 by [S.S.I. 2010/195](#) (except for the purposes of statutory arbitration).

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**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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St Andrew's House, Edinburgh  
20th December 2016

*ANNABELLE EWING*  
Authorised to sign by the Scottish Ministers

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order specifies 1st January 2017 as the date on which section 36(3) of the Arbitration (Scotland) Act 2010 (“the Act”) ceases to have effect.

Section 36(3) of the Act is a transitional provision which prevents the Act from applying to an arbitration arising under an arbitration agreement made before the commencement of the Act if the parties agree that the Act is not to apply to that arbitration. The date of 1st January 2017, which is specified in article 2, falls more than 5 years after the commencement of section 36 of the Act (as required by section 36(4)).

Article 3 makes transitional provision for arbitrations begun prior to 1st January 2017.