
STATUTORY INSTRUMENTS

1991 No. 2214 (S.183)

SHERIFF COURT, SCOTLAND

Act of Sederunt (Proceedings in the Sheriff Court under the Model Law on International Commercial Arbitration) 1991

Made - - - - *2nd October 1991*
Coming into force - - *28th October 1991*

The Lords of Council and Session, under and by virtue of the powers conferred on them by section 32 of the Sheriff Courts (Scotland) Act 1971(1) and of all other powers enabling them in that behalf, having approved, with modifications, draft rules submitted to them by the Sheriff Court Rules Council in accordance with section 34 of that Act, do hereby enact and declare:

Citation, commencement and interpretation

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Proceedings in the Sheriff Court under the Model Law on International Commercial Arbitration) 1991 and shall come into force on 28th October 1991.

(2) This Act of Sederunt shall be inserted in the Books of Sederunt.

(3) In this Act of Sederunt, “the Model Law” means the United Nations Commission on International Trade Law Model Law on International Commercial Arbitration as set out in Schedule 7 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990(2).

Form of application

2.—(1) Subject to sub-paragraph (2), any request or application which may be made to the sheriff under the Model Law shall be made by summary application.

(2) Where proceedings involving the same arbitration and the same parties are already pending before the sheriff under this Act of Sederunt, a further application or request may be made by note in the same process.

(3) The sheriff shall order service of such summary application or note to be made on such persons as he considers appropriate.

(1) 1971 c. 58.
(2) 1990 c. 40.

Recognition and enforcement of awards

- 3.—(1) There shall be lodged along with an application under Article 35 of the Model Law—
- (a) the original arbitration agreement or certified copy thereof; and
 - (b) the duly authenticated original award or certified copy thereof; and
 - (c) where appropriate, a duly certified translation in English of the agreement and award.
- (2) An application under this paragraph shall specify whether to the knowledge of the applicant—
- (a) the arbitral award has been recognised, or is being enforced, in any other jurisdiction; and
 - (b) an application for setting aside or suspension of the arbitral award has been made to a court of the country in which or under whose law the award was made.
- (3) Where the sheriff is satisfied that an arbitral award should be recognised and enforced, he shall so order and shall instruct the sheriff clerk to register the award in the Books of the Sheriff Court for execution.

Edinburgh,
2nd October 1991

J.A.D. Hope
Lord President, IPD

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

EXPLANATORY NOTE

(This note is not part of the Act of Sederunt)

This Act of Sederunt makes provision for the form of requests or applications which may be made to the sheriff under the UNCITRAL Model Law on International Commercial Arbitration in Schedule 7 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40).