

Fresh bid to update centuries-old rules on arbitration

SCOTT MacNAB

MEASURES to update "unsatisfactory" laws on arbitration were published by the Scottish Government yesterday.

Ministers hope the Arbitration (Scotland) Bill will attract more international business to Scotland.

"Some of the law on arbitration in Scotland dates back to 1695 or before that," Community Safety Minister Fergus Ewing said yesterday.

"This unsatisfactory position makes Scotland an unattractive place to arbitrate. It is clear that we need to modernise the law."

Arbitration is the process where parties agree to submit a dispute to a third party, an arbitrator, often with specialist expertise.

It means they give up the right to go to court. The process has been used mainly by business and industry.

Ministers hope the bill will

encourage those involved in industries, trades and professions to set up low-cost arbitration.

The government said increased use of arbitration in commercial and consumer disputes will reduce the pressure on courts.

"This government wants to develop Scotland as a dispute resolution centre which attracts international arbitration cases as well as domestic ones," Mr Ewing said.

"Given the importance of world trade, there will be increasing demand for high-quality arbitration services as the way to resolve cross-border commercial disputes."

"Scotland should be an easy place to do business and it needs the law and courts to back this up and make Scotland the choice for dispute resolutions."

As well as clarifying and consolidating Scottish arbitration law, the Bill will provide

a statutory framework for arbitration to allow for fairness and impartiality.

The bill also aims to minimise cost and ensure the process is efficient.

The government said there may be scope for more use of arbitration in property maintenance and management, and service charges.

John Campbell, QC, president of the Chartered Institute of Arbitrators, said that the bill, if passed, will see

Scotland "leading the way" worldwide in dispute resolution.

"The bill will be of benefit to everyone, from consumers who are unhappy with a service provided by a tradesman to large businesses caught up in what otherwise might prove to be lengthy and expensive litigation," he said.

"This is a landmark piece of legislation, one of the most important in the economic history of Scotland."

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DONALD MACLEOD
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Disputes Bill hope

PLANS to update "unsatisfactory" industrial dispute laws were unveiled yesterday - in a bid to bring business to Scotland.

Ministers said the new Bill could develop Scotland as "a resolution centre" for international arbitration cases - as well as free up the courts.

John Campbell QC, president of the Chartered Institute of Arbitrators, said, if passed, it would see Scotland "lead the way" in resolution of disputes.

He added: "This is a landmark piece of legislation, one of the most important in the economic history of Scotland."

Scotland 'can become the place to go to resolve business disputes'

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Ministers hope the bill will encourage industries, trades and professions to set up low-cost arbitration. Increased use of arbitration in commercial and consumer disputes would reduce pressure on courts.

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