
STATUTORY INSTRUMENTS

1991 No. 2213 (S.182)

COURT OF SESSION, SCOTLAND

Act of Sederunt (Rules of the Court of Session Amendment No.9) (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 5 of the Court of Session Act 1988(1) and of all other powers enabling them in that behalf, do hereby enact and declare:

Citation and commencement

1.—(1) This Act of Sederunt may be cited as the Act of Sederunt (Rules of the Court of Session Amendment No.9) (International Commercial Arbitration) 1991 and shall come into force on 2nd October 1991.

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

Amendment of the Rules of the Court of Session

2. After rule 249AA (registration of awards under the Multilateral Investment Guarantee Agency Act 1988)(2)) of the Rules of the Court of Session(3), insert the following Section and rules:—

“SECTION 8AA

REGISTRATION AND ENFORCEMENT OF ARBITRAL AWARDS UNDER ARTICLE 35 OF THE MODEL LAW ON INTERNATIONAL COMMERCIAL ARBITRATION

Application for registration

249AB.—(1) An application for registration in the Books of Council and Session for enforcement of an arbitral award under article 35 of Schedule 7 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990(4) (in this Section referred to as “the Act of 1990”) shall be made by petition presented in the Outer House.

(1) 1988 c. 36.

(2) 1988 c. 8.

(3) S.I.1965/321; rule 249AA was inserted by S.I. 1990/705.

(4) 1990 c. 40.

(2) A petition under paragraph (1) shall set out the reasons for which registration for enforcement is sought.

(3) A motion to grant the prayer of a petition in which no answers have been lodged shall not require an appearance for the petitioner unless the court so requires.

(4) Where the court requires an appearance under paragraph (3), the hearing shall be in chambers.

Registration

249AC.—(1) The court, on being satisfied that the arbitral award may be registered, shall grant decree and warrant for registration in the Books of Council and Session.

(2) On decree being granted under paragraph (1), the Deputy Principal Clerk shall enter the decree in a register of arbitral awards to be registered under article 35 of Schedule 7 to the Act of 1990.

(3) Upon presentation by the petitioner to the Keeper of the Registers of—

- (a) a certified copy interlocutor of the decree and warrant for registration; and
- (b) a certified copy of the arbitral award to be registered, and, where the arbitral award is in a language other than English, a translation into English certified by a person qualified to do it,

the same shall be registered in the Books of Council and Session in the Register of Judgments whereupon the Keeper of the Registers shall issue an extract of the registered recommendation, determination or award, as the case may be, with warrant for execution.”.

Edinburgh,
2nd October 1991

J.A.D. Hope
Lord President, IPD

EXPLANATORY NOTE

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

This Act of Sederunt amends the Rules of the Court of Session by making provision for the registration and enforcement of arbitral awards under article 35 of the Model Law on International Commercial Arbitrations in Schedule 7 to the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990 (c. 40).