

Margaret Mitchell MSP, Convener of the Justice Committee
M2.11
The Scottish Parliament
Edinburgh
EH99 1SP



25 November 2016

Dear Ms Mitchell,

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

We understand that discussion on ceasing the effect of the transitional provision under section 36(3) of the Arbitration (Scotland) Act 2010 is soon to be considered by the Justice Committee. Therefore, we wanted to write to you to encourage support for this Order.

By way of background, the Scottish Arbitration Centre was established in March 2011, following the passage of the Arbitration (Scotland) Act 2010.

The Centre promotes Scottish arbitration and Scotland as a jurisdiction and venue for domestic and international arbitration in order to increase arbitration and dispute business in Scotland. In addition to our promotional work, we have an annual training day for arbitrators and a popular membership scheme. We have a room hire service for arbitration hearings, mediations and other events. We provide Scotland chapters for international arbitration guides and attend the main international arbitration and law conferences, ensuring Scotland is very much on the international map.

We also have an arbitral appointment service, where our Arbitral Appointments Committee will select an arbitrator for parties when requested. The committee is divided into two sub-committees, a domestic committee dealing with domestic appointments and an international committee dealing with international appointments.

The Centre's energy arbitration project with the Centre for Energy, Petroleum and Mineral Law and Policy at the University of Dundee, the International Centre for Energy Arbitration (ICEA), which was launched by the previous First Minister, published its energy arbitration report last year. The report has been welcomed and commented on by major international law firms and academics, and resulted in an international energy arbitration conference at the Centre last October.

Scottish Arbitration Centre

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Scottish Arbitration Centre is the trading name of Arbitration Centre, a company limited by guarantee, registered in Scotland Number SC394779, Registered Office 125 Princes Street, Edinburgh, EH2 4AD

We work with both the Scottish and UK Governments. We receive funding from the Scottish Government, and work with the UK Government on its international promotion of legal and dispute resolution services.

The Centre saw off competition from Copenhagen, Mexico City, Stockholm, St Petersburg, Vancouver and Vienna to win its bid for Edinburgh to host the International Council for Commercial Arbitration (ICCA) Congress 2020. ICCA is a worldwide non-governmental organisation devoted to promoting the use, and improving the processes of arbitration and other forms of international commercial dispute resolution. The ICCA Congress is the world's largest conference devoted to international arbitration. The previous two ICCA congresses, held in Singapore and Miami, each attracted over 1,000 arbitration professionals. VisitScotland estimate the event is worth over £2 million to the Scottish economy.

The Centre also administers the new Convener of School Closure Review Panels, a statutory review body. Since 30 March 2015, due to amendments to the Schools (Consultation) (Scotland) Act 2010, school closure proposals called in by the Scottish Ministers are referred to the Convener of the School Closure Review Panels, who will be required to constitute a School Closure Review Panel from the ten Panel Members to determine the case. The Centre carries out administrative functions to support the Convener and Panel Members.

The Scottish Arbitration Centre is of the view that all arbitrations should be governed by the Arbitration (Scotland) Act 2010, and that the transitional provision should cease to have effect. Therefore, we hope your committee will support the Arbitration (Scotland) Act 2010 (Transitional Provisions) Order 2016.

Yours sincerely,



Andrew Mackenzie
Chief Executive

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