Amendments due to Arbitration (Scotland) Act 2010

The amendments set out below are agreed in respect of the SBCC Standard Building Contract for Minor Works (MW) and Minor Works Design (MWD) versions.

1. In the Contract Particulars at 8.3 insert the following table with explanatory footnote:

<table>
<thead>
<tr>
<th>8.3</th>
<th>Arbitration</th>
<th>The following default rules do not apply.</th>
<th>List the default rules that do not apply</th>
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</table>

[1] List the default rules that do not apply

2. In clause 1.1 insert the following definition:

Scottish Arbitration Rules | see clause 8.3
Tribunal | shall have the same meaning as in the Arbitration (Scotland) Act 2010

[1] The Arbitration (Scotland) Act 2010 introduces, by section 7, the Scottish Arbitration Rules. These contain mandatory and default rules. Parties should consider whether and to what extent they wish the default rules to apply. These automatically apply unless Parties agree otherwise by listing those to be disapplied in whole or in part in the Contract Particulars.
3. In the Contract Particulars at Schedule Part 1 (Paragraph 2.1):
   In MW delete reference to “(Paragraph 2.1)” and insert instead “(Paragraph 2)”; 
   In MW and MWD in the left hand column delete “(If an Arbitrator is not selected by 
   the parties, the appointor shall be one of the appointors listed opposite)” and in the 
   right hand column insert at the start “The appointor shall be:”; 
   In footnote [22] delete the existing wording and insert instead “The Scottish Building 
   Contract Committee Limited will appoint unless struck out and replaced by another 
   appointor”

4. At Schedule Part 1 Arbitration:
   in paragraph 1- delete “the Scottish Arbitration Code 2007 ... (Scottish Branch)” and 
   insert “the Arbitration (Scotland) Act 2010, subject to disapplication in whole or in part 
   of any of the default rules of the Scottish Arbitration Rules comprising Schedule 1 to 
   that Act by this Contract**”; 
   In paragraph 1 delete “and 4” in the last line and the comma after “2” and insert “and” 
   in place of the comma; 
   * Add a footnote to the end after “Contract”:

   “If any of the default rules are to be disapplied in whole or in part this requires to be 
   indicated in the Contract Particulars

5. In paragraph 2 delete “in accordance with the Scottish Code”; 
   In the second sentence:
   delete the word “Arbitrator” and replace it with “Tribunal”; 
   delete the word “either” and replace it with “the referring”; 
   insert after the word “appointed”, “within 14 days”

6. In paragraph 3 delete “Scottish Code” and insert “Arbitration (Scotland) Act 2010 and the 
   Scottish Arbitration Rules subject to the disapplication in whole or in part of any of the default 
   rules of the Scottish Arbitration Rules “

7. In paragraph 3 delete 3.5.

8. Delete paragraph 4