

Amendments due to Arbitration (Scotland) Act 2010

The amendments set out below are agreed in respect of the SBCC Standard Building Contract in its With Quantities(Q), Without Quantities (XQ), Approximate Quantities (AQ) and Design and Build (DB) versions. Amendments in substantially the same terms are available for the Minor Works (MW) and Minor Works Design (MWD) versions.

- 1. In Article 8 delete "clauses 9.3 - 9.6" and insert "clauses 9.3 - 9.5. Make the same revisal in footnote Q[11] AQ[10] XQ[12] DB[7]
- 2. In the Contract Particulars, make the same change as 1. above in Article 8 (3 times) and in footnote Q [26] AQ[25] XQ[29] DB[24]
- 3 In the Contract Particulars at 9.3 insert the following table with explanatory footnote:

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|-----|---|--|
| 9.3 | Arbitration The following default rules do not apply.[1] | List the default rules that do not apply |
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[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

4. In the Contract Particulars at "9.3 to 9.4" 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 Q[27],AQ[26],XQ[28], DB[25] delete the existing wording and insert instead "The Scottish Building Contract Committee Limited will appoint unless struck out and replaced by another appointor"

4 In clause 1.1 insert the following definitions

:

Scottish Arbitration Rules see **clause 9.3**

Tribunal shall have the same meaning as in the Arbitration (Scotland) Act 2010

5.. In Clause 9.3 - 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*". At the end delete "and 9.6" and insert "and" between "9.4" and "9.5". In XQ insert "subject" before "to" in the penultimate line of the clause.

* 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

6. In clause 9.4 - delete "in accordance with the Scottish Code" in the first sentence. 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"

7. In clause 9.5 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 "

8. Delete clause 9.5.5

9. Delete clause 9.6 and renumber clause 9.7 as 9.6