

**MINUTES OF THE MEETING OF THE COURT OF SESSION ARBITRATION  
COURT USER GROUP HELD WITHIN PARLIAMENT HOUSE, EDINBURGH ON  
WEDNESDAY 29 NOVEMBER 2017**

**1. Attendance**

Lord Glennie  
Lord Clark (Chair)  
Andrew Mackenzie, CEO of the Scottish Arbitration Centre  
Brandon Malone, Chair of the Scottish Arbitration Centre  
Robert Howie QC  
Jonathan Broome, advocate  
Sheila Webster, solicitor and partner in Davidson Chalmers LLP  
David Anderson, solicitor and partner in Shepherd and Wedderburn LLP  
Richard Farndale, solicitor and director of Burness Paull LLP, and Chair of the Scottish Branch of CI Arb  
Rob Wilson of CMS Cameron McKenna Nabarro Olswang LLP  
Nicola Marchant, Depute Clerk of Session (Secretary)

**2. Apologies**

Apologies were received from Garry Borland QC, Janey Milligan, quantity surveyor, adjudicator and arbitrator, managing director of Construction Dispute Resolution and Shona Frame of CMS Cameron McKenna Nabarro Olswang LLP.

**3. Membership of the Group**

The group approved the application from CMS Cameron McKenna Nabarro Olswang LLP to be represented on the group. The group considered that only one representative of the firm (either Rob Wilson or Shona Frame) need be in attendance at each meeting.

The membership of the group would be kept under review and applications from potential members would be dealt with as and when required.

**4. Website**

The group agreed that it would be beneficial to have a webpage and that it should be located on the SCTS website. The webpage currently available (<http://www.scotcourts.gov.uk/the-courts/supreme-courts/about-the-supreme-courts/arbitration-users-group>) should be developed to include the following:

- A list of the current arbitration judges
- A statement setting out the role of the court in relation to arbitration including reference to the third founding principle
- A list of the arbitration cases decided in the Court of Session with links to any available judgments
- Links to the relevant Act and Rules, i.e.
  - The Arbitration (Scotland) Act 2010 and The Scottish Arbitration Rules contained in Schedule 1 to the Arbitration (Scotland) Act 2010 (<http://www.legislation.gov.uk/asp/2010/1/contents>)

- Chapter 100 of the Rules of the Court of Session (<http://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/rules-of-court/court-of-session/chap100.pdf?sfvrsn=8>)
- Links to other relevant bodies, i.e.
  - The Chartered Institute of Arbitrators (CI Arb) (<http://www.ciarb.org/>)
  - Scottish Arbitration Centre (<http://scottisharbitrationcentre.org/>)
  - The Royal Institution of Chartered Surveyors (RICS) (<https://www.rics.org/uk/>)
  - The eight Arbitral Appointment Referees ((i) Agricultural Industries Confederation Limited [www.agindustries.org.uk](http://www.agindustries.org.uk) (ii) Chartered Institute of Arbitrators [www.ciarb.org/scotland](http://www.ciarb.org/scotland) (iii) Dean of the Faculty of Advocates <http://fdrs.advocates.org.uk/members.asp> (iv) Institution of Civil Engineers [www.ice.org.uk/dispute\\_resolution](http://www.ice.org.uk/dispute_resolution) (v) Law Society of Scotland [www.lawscot.org.uk](http://www.lawscot.org.uk) (vi) Royal Incorporation of Architects in Scotland [www.rias.org.uk](http://www.rias.org.uk) (vii) Royal Institution of Chartered Surveyors [www.rics.org/drsscotland](http://www.rics.org/drsscotland) (viii) Scottish Agricultural Arbiters and Valuers Association <http://www.saava.org.uk>)
  - Family Law Arbitration Group Scotland (<http://www.flagsarb.com/>)

The webpage and its content would be a recurring item on the agenda.

#### Action Points:

- Nicola Marchant to contact SCTS IT department to explore whether it is possible to have a shorter web address for the webpage. ✓
  - The IT Department have agreed to set up a "friendly URL", namely, <http://www.scotcourts.gov.uk/arbitration-users-group>
- Lord Clark and Nicola Marchant to draft a webpage for consideration by the group.

## **5. ICCA 2020**

The group discussed the forthcoming visit by the International Council for the Commercial Arbitration Congress (ICCA) on 10 to 13 May 2020 and whether this group might wish to consider being involved in some way in order to promote Scotland as a place for commercial dispute resolution.

The members from the Scottish Arbitration Centre informed the group that they had no control over the programme of events however they would make the board of the ICCA aware of this group's existence.

## **6. Next Meeting**

The next meeting would be scheduled for February/March 2018.