

**MINUTES OF THE MEETING OF THE COURT OF SESSION ARBITRATION  
COURT USER GROUP HELD WITHIN PARLIAMENT HOUSE, EDINBURGH ON  
9 July 2019**

**1. Attendance**

Lord Glennie

Andrew Mackenzie, CEO of the Scottish Arbitration Centre,

Robert Howie QC,

Jonathan Broome, advocate

David Anderson, solicitor and partner in Shepherd and Wedderburn LLP,

Richard Farndale, solicitor and director of Burness Paull LLP, Rob Wilson of CMS

Cameron McKenna Nabarro Olswang LLP,

Janey Milligan, quantity surveyor, adjudicator and arbitrator, managing director of Construction Dispute Resolution,

David Turner, representative from FDRS, previously the Faculty Arbitration scheme.

C Stark, Depute Clerk of Session

**2. Apologies**

Lord Clark

Brandon Malone, Chair of the Scottish Arbitration Centre,

Sheila Webster, solicitor and partner in Davidson Chalmers LLP,

Gary Borland QC

Donny Mackinnon, Chair of the Scottish Branch of CIArb,

Shona Frame

**3. Minutes of previous meeting - Agreed**

**4. SCTS Arbitration webpage**

The SCTS Arbitration webpage went live in October 2018. The group have found it useful and have directed others to it. The group discussed the possibility of providing more information about each arbitration case on the webpage, but it was decided that as a link was given to the relevant opinion in each case, as the number of cases was low, and as there may be issues concerning sensitive data, this would not be taken forward at this time.

It was decided that it would be beneficial to give greater prominence to the forthcoming International Council for Commercial Arbitration (ICCA) congress on the webpage, and Mr Mackenzie undertook to provide a draft note to Mr Munn.

**5. Faculty information on website**

Mr Turner is now the Faculty representative, and advised that since the last meeting the Faculty Arbitration Scheme has become part of the Faculty Dispute Resolution Service. He advised that the website is up to date.

## **6. AOCB**

Lord Glennie enquired if there had been any increase in the use of Arbitration since the last meeting.

Mr Farndale advised that there is no way to capture everything that is happening, but the perception is that the amount of arbitration in Scotland did seem to be increasing.

Applications to the Court remain consistent, with one having been lodged to date this year.

It was agreed that the low numbers reflect how few Arbitrations take place, rather than any lack of willingness to bring applications to the Court, and the key message was being given that the Court takes a robust approach to applications.

Mr Mackenzie provided an update on the forthcoming International Council for Commercial Arbitration (ICCA), with the congress due to be held in Edinburgh between 10-13 May 2020, and advised the group that approximately 280 speaker applications had been made. The deadline for applications has now passed, although ICCA can exercise discretion in extending it or making its own approaches the individuals.

Approximately 250 delegates have enrolled, it is hope the total will be in the region of 1000.

Action points –

- Mr Mackenzie to provide a brief note on ICCA to Mr Munn

## **7. Next Meeting**

The next meeting will be scheduled for January/February next year. The usual email regarding availability will be sent.