

FORM A - AGREEMENT TO ARBITRATE

1. First Party

Name of First Party

Address

Email Address

Contact tel no

First Party's Agent

Address/LP/DX

Email Address

Tel no

2. Second Party

Name of Second Party

Address

Email Address

Contact tel no

Second Party's Agent

Address/LP/DX

Email Address

Tel no

3. Arbitrator

Arbitrator's Name

Address/LP/DX

Email Address

Tel no.

4. Each of us, the Parties to this Agreement, individually confirm the following:
- 4.1 I have had the opportunity to obtain independent legal advice before entering into this Agreement. I acknowledge that the Arbitrator will not provide legal advice regarding the nature and implications of this Agreement nor the legal issues arising in respect of it.
- 4.2 I have read the Rules of the Scheme set out in the Family Law Arbitration Group Scotland (FLAGS) Arbitration Rules effective as at the date of signature hereof and agree that the Arbitration will proceed in accordance with those Rules which I hereby adopt and agree to be bound by.
- 4.3 Without prejudice to the foregoing generality, I hereby agree that the tribunal will have the powers set out in Rules 47 and 49 of the FLAGS Rules to determine the dispute between us.
- 4.4 I understand that any tribunal appointed to determine the dispute may direct me, us or our legal representatives to take such further steps or to provide such further information and/or documentation as may seem fit or appropriate to the tribunal.
- 4.5 I understand and agree that any tribunal appointed to determine this dispute will make an award which will be final and binding on me and us, subject to any right of appeal in terms of Rules 67-71 in respect of lack of substantive jurisdiction, serious irregularity or legal error.
- 4.6 I accept and agree that any award made by the tribunal will only be registered in the Books of Council and Session if required for enforcement purposes. I hereby consent to registration by the tribunal of this agreement and any award to follow hereon for preservation and execution, if that should be required for enforcement purposes.
- 4.7 I accept and agree that I am jointly and severally liable to meet the expenses of the Arbitration and I agree to be bound by Rules 59 to 66 and 34(3) in relation to the expenses of the Arbitration.
- 4.8 I recognise that insofar as the dispute relates to any child or children under 16 years of age, that the tribunal shall make any decision in respect of that child or those children having regard to the best interests of the child or children concerned and I agree to be bound by the decision of the tribunal. I understand and agree that the tribunal may obtain the views of any such child or children either directly or by instructing another professional to do so.

4.9 Insofar as the dispute relates to any child or children under 16 years of age, I seek a determination of this dispute by way of arbitration. I agree to be bound by the tribunal's decision and will not seek any variation of the terms of the award to follow hereon by a court of competent jurisdiction unless there is a material change in the circumstances of either of the parties or the child to which the award relates.

4.10 I understand and accept that I have duties regarding the confidentiality of information in terms of Rule 26.

5. The dispute referred to Arbitration concerns the following issues:

(please set out a concise summary in numbered points of the issues to be determined)

6. If there are any current court proceedings; please identify the nature of the proceedings, in which court they are being litigated and what stage they have reached (please attach copies of any relevant pleadings or Interlocutors, if appropriate).

Once the Arbitration is commenced, the parties agree that they will not commence court proceedings or continue any existing court proceedings in relation to the same subject matter (and, if applicable, bind themselves to take all steps or cause all such steps to be taken as are necessary to ensure that any existing court proceedings are sisted or stayed pending the outcome of this Arbitration); and we hereby consent to registration for preservation and execution of this Agreement consisting of this and the preceding pages.

_____ signature of witness	_____ signature of the First Party
_____ full name of witness (print)	
_____ _____	_____ date of signing
_____ Address of witness	_____ place of signing
_____ signature of witness	_____ signature of the Second Party
_____ full name of witness (print)	
_____ _____	_____ date of signing
_____ Address of witness	_____ place of signing
	_____ Signature of Arbitrator