



# Arbitration Act 1996

## 1996 CHAPTER 23

### PART I

#### ARBITRATION PURSUANT TO AN ARBITRATION AGREEMENT

##### *The arbitral proceedings*

VALID FROM 31/01/1997

#### **38 General powers exercisable by the tribunal.**

- (1) The parties are free to agree on the powers exercisable by the arbitral tribunal for the purposes of and in relation to the proceedings.
- (2) Unless otherwise agreed by the parties the tribunal has the following powers.
- (3) The tribunal may order a claimant to provide security for the costs of the arbitration.

This power shall not be exercised on the ground that the claimant is—

- (a) an individual ordinarily resident outside the United Kingdom, or
  - (b) a corporation or association incorporated or formed under the law of a country outside the United Kingdom, or whose central management and control is exercised outside the United Kingdom.
- (4) The tribunal may give directions in relation to any property which is the subject of the proceedings or as to which any question arises in the proceedings, and which is owned by or is in the possession of a party to the proceedings—
    - (a) for the inspection, photographing, preservation, custody or detention of the property by the tribunal, an expert or a party, or
    - (b) ordering that samples be taken from, or any observation be made of or experiment conducted upon, the property.

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*Status: Point in time view as at 17/12/1996. This version of this provision is not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Arbitration Act 1996, Section 38. (See end of Document for details)*

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- (5) The tribunal may direct that a party or witness shall be examined on oath or affirmation, and may for that purpose administer any necessary oath or take any necessary affirmation.
- (6) The tribunal may give directions to a party for the preservation for the purposes of the proceedings of any evidence in his custody or control.

**Modifications etc. (not altering text)**

- C1** Power to apply conferred (31.1.1997) by 1966 c. 41, **s. 3** (as substituted by 1996 c. 23, s. 107(1), **Sch. 3 para. 24**) (with s. 81(2)); S.I. 1996/3146, **art. 3** (with art. 4, **Sch. 2**)
- C2** Power to apply conferred (31.1.1997) by 1988 c. 8, **s. 6(1)** (as substituted by 1996 c. 23, s. 107(1), **Sch. 3 para. 49**) (with S. 81(2)); S.I. 1996/3146, art. 3 (with art. 4, **Sch. 2**)

**Status:**

Point in time view as at 17/12/1996. This version of this provision is not valid for this point in time.

**Changes to legislation:**

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