



# Arbitration Act 1996

## 1996 CHAPTER 23

### PART I

#### ARBITRATION PURSUANT TO AN ARBITRATION AGREEMENT

##### *Powers of court in relation to arbitral proceedings*

#### **43 Securing the attendance of witnesses.**

- (1) A party to arbitral proceedings may use the same court procedures as are available in relation to legal proceedings to secure the attendance before the tribunal of a witness in order to give oral testimony or to produce documents or other material evidence.
- (2) This may only be done with the permission of the tribunal or the agreement of the other parties.
- (3) The court procedures may only be used if—
  - (a) the witness is in the United Kingdom, and
  - (b) the arbitral proceedings are being conducted in England and Wales or, as the case may be, Northern Ireland.
- (4) A person shall not be compelled by virtue of this section to produce any document or other material evidence which he could not be compelled to produce in legal proceedings.

#### **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Point in time view as at 19/05/1999.

**Changes to legislation:**

There are currently no known outstanding effects for the Arbitration Act 1996, Section 43.