



# Arbitration Act 1996

## 1996 CHAPTER 23

### PART I

#### ARBITRATION PURSUANT TO AN ARBITRATION AGREEMENT

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

#### **42 Enforcement of peremptory orders of tribunal.**

- (1) Unless otherwise agreed by the parties, the court may make an order requiring a party to comply with a peremptory order made by the tribunal.
- (2) An application for an order under this section may be made—
  - (a) by the tribunal (upon notice to the parties),
  - (b) by a party to the arbitral proceedings with the permission of the tribunal (and upon notice to the other parties), or
  - (c) where the parties have agreed that the powers of the court under this section shall be available.
- (3) The court shall not act unless it is satisfied that the applicant has exhausted any available arbitral process in respect of failure to comply with the tribunal's order.
- (4) No order shall be made under this section unless the court is satisfied that the person to whom the tribunal's order was directed has failed to comply with it within the time prescribed in the order or, if no time was prescribed, within a reasonable time.
- (5) The leave of the court is required for any appeal from a decision of the court under this section.

#### **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** S. 42 applied (with modifications)(E.W.)(1.5.1998) by S.I. 1998/649, art. 2, Sch. Pt. 1 para.24

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*Changes to legislation: There are currently no known outstanding effects  
for the Arbitration Act 1996, Section 42. (See end of Document for details)*

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**C3** 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)

**Changes to legislation:**

There are currently no known outstanding effects for the Arbitration Act 1996, Section 42.