

SCHEDULE 2

PROVISIONS OF ARBITRATION ACTS

PART 2

Provisions of the Arbitration Act (Northern Ireland) 1937 which apply in the case of proceedings before the Tribunal in Northern Ireland.

A. Sections 13, 14, 16, 21 and 24 shown below—

Powers of arbitrators

13. The arbitrators or umpire acting under a reference in an arbitration agreement shall, unless the arbitration agreement or the reference thereunder expresses a contrary intention, have power to administer oaths to or take the affirmations of the parties and witnesses appearing, and to correct in an award any clerical mistake or error arising from any accidental slip or omission.

Attendance of witnesses

14. Any party to a reference under an arbitration agreement may sue out a writ of subpoena ad testificandum, or a writ of subpoena duces tecum, but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action:

Provided that no writ shall issue under this section unless the arbitrator has entered on the reference or has been called on to act by notice in writing from a party to the reference and has agreed to do so.

Entry of judgment in terms of award

16. An award on a reference under an arbitration agreement may, by leave of the court, be entered as a judgment in terms of the award, and shall thereupon have the same force and effect as a judgment or order of the court.

Additional powers of court

21.—(1) The court shall have, for the purpose of and in relation to a reference, the same power of making orders in respect of any of the matters set out in the Second Schedule to this Act as it has for the purpose of and in relation to an action or matter in the court:

Provided that nothing in the foregoing provision shall be taken to prejudice any power which may be vested in an arbitrator or umpire of making orders with respect to any of the matters aforesaid.

(2) Where relief by way of interpleader is granted and it appears to the court that the claims in question are matters to which an arbitration agreement, to which the claimants are parties, applies, the court may direct the issue between the claimants to be determined in accordance with the agreement.

(3) Where an application is made to set aside an award the court may order that any money made payable by the award shall be brought into court or otherwise secured pending the determination of the application.

Additional powers to compel attendance of witnesses

24.—(1) The court may order that a writ of subpoena ad testificandum or of subpoena duces tecum shall issue to compel the attendance of a witness before any referee, arbitrator or umpire.

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(2) The court may also order that a writ of habeas corpus ad testificandum shall issue to bring up a prisoner for examination before any referee, arbitrator or umpire.

B. First Schedule (provisions to be implied in arbitration agreements), paragraphs 4, 5 and 8 shown below–

4. The parties to the reference and all persons claiming through them respectively shall, subject to any legal objection, submit to be examined by the arbitrators or umpire on oath or affirmation in relation to the matters in dispute and shall, subject as aforesaid, produce before the arbitrators or umpire all books, deeds, papers, accounts, writings and documents within their possession or power respectively which may be required or called for, and do all other things which during the proceedings on the reference the arbitrators or umpire may require.

5. The witnesses on the reference shall, if the arbitrators or umpire think fit, be examined on oath or affirmation.

8. The arbitrators or umpire may, if they think fit, make an interim award.

C. Second Schedule (matters in respect of which court may make orders) referred to in section 21(1), shown below–

1. Security for costs.

2. Discovery of documents and interrogatories.

3. The giving of evidence by affidavit.

4. Examination on oath of any witnesses before an officer of the court or any other person, and the issue of a commission or request for the examination of a witness out of the jurisdiction.

5. The preservation, interim custody, or sale, of any goods which are the subject matter of the reference.

6. Securing the amount in dispute in the reference.

7. The detention, preservation or inspection of any property or thing which is the subject of the reference or as to which any question may arise therein, and authorising for any of the purposes aforesaid any persons to enter upon or into any land or building in the possession of any party to the reference, or authorising any samples to be taken or any observation to be made or experiment to be tried which may be necessary or expedient for the purpose of obtaining full information or evidence.

8. Interim injunctions or the appointment of a receiver.