**In the Family Court No:**

**Sitting at [Place]**

# The Arbitration Act 1996 section 43

# The Marriage/Civil Partnership/Relationship/Family of XX and YY

After hearing [*name the advocate(s) who appeared*]

After consideration of the documents lodged by the parties

*(In the case of an order made without notice)*

After reading the statements and hearing the witnesses specified in the recitals below

**ORDER MADE BY [NAME OF JUDGE] ON [DATE] SITTING IN OPEN COURT/PRIVATE**

**The parties**

1. The applicant is XX

 The respondent is YY

 The second respondent is ZZ

 *Specify if any party acts by a litigation friend*

**Definitions**

1. IFLA is the Institute of Family Law Arbitrators.
2. Form ARB1 is the arbitration agreement signed by the parties of which a copy has been lodged with the court.
3. The arbitration is an arbitration which is to be conducted in accordance with the rules of the IFLA arbitration scheme.
4. The arbitrator is [*name*].
5. The witness/*witnesses* is/*are* [*name(s)*]

**Recitals**

1. *(In the case of an order made without notice)*

(a) This order was made at a hearing without notice to the respondent. The reason why the order was made without notice to the respondent was [*set out*]

(b) The Judge read the following affidavits/witness statements [*set out*] and heard oral testimony from [*name*]

1. *(In the case of an order made following the giving of short informal notice)*

This order was made at a hearing without full notice having been given to the respondent. The reason why the order was made without full notice having been given to the respondent was [*set out*]

1. *(In the case of an application commenced elsewhere than in the Family Court)*

This application was transferred to this court from the [*specify*] Division/Court by order of [*name of judge*] on [*date*].

1. The arbitration has commenced and is being conducted in England and Wales and the witness/*witnesses* are in the United Kingdom.
2. This application is for an order pursuant to section 43 of the Arbitration Act 1996 to secure the attendance before the arbitrator of the witness/*witnesses* in order:

[to give oral testimony] (*and/or*)

[to produce documents or other material evidence which the witness/*witnesses* can be compelled to produce in legal proceedings, namely [*specify*].]

1. This application is made:

[by the applicant with the permission of the tribunal.] (*or*)

[with the agreement of the other party/*parties* to the arbitration.]

**Agreements**

1. …

**Undertakings to the court**

1. …

**IT IS ORDERED (BY CONSENT):**

1. [*Insert the form of order or notice appropriate to secure the attendance of a witness in order to give oral testimony and/or to produce documents or other material evidence.*]
2. [*Other orders*]
3. [*Provision for costs*]

Dated