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STATUTORY INSTRUMENTS

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**2011 No. 1133**

The Cross-Border Mediation (EU Directive) Regulations 2011

PART 3

Extension of Time Limits in View of Mediation in Certain  
Cross-border Disputes - Amendments to Primary Legislation

**Amendments to the Prescription Act 1832**

11. The Prescription Act 1832(1) is amended as follows.
12. After section 8, insert—

**“Exclusion of time because of mediation in certain cross-border disputes**

**8A.—**(1) In this section—

- (a) “Mediation Directive” means Directive [2008/52/EC](#) of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters;
- (b) “mediation” has the meaning given by article 3(a) of the Mediation Directive;
- (c) “mediator” has the meaning given by article 3(b) of the Mediation Directive;
- (d) “relevant dispute” means a dispute to which article 8(1) of the Mediation Directive applies (certain cross-border disputes).

(2) Where a period is prescribed by this Act in relation to the subject of the whole or part of a relevant dispute, any time after the start of a mediation in relation to the relevant dispute is to be excluded in the computation of that period, but only if—

- (a) the time when the period must end by virtue of section 4 falls before the mediation ends or less than eight weeks after it ends, or
- (b) a further mediation in relation to the relevant dispute starts less than eight weeks after the previous mediation ends, and the time when the period must end by virtue of section 4 falls before the further mediation ends or less than eight weeks after it ends.

(3) Any time excluded under subsection (2) is also to be excluded in the computation of the second period of three years mentioned in section 8 (period within which claim is resisted).

(4) For the purposes of this section, a mediation starts on the date of the agreement to mediate that is entered into by the parties and the mediator.

(5) For the purposes of this section, a mediation ends on the date of the first of these to occur—

- (a) the parties reach an agreement in resolution of the relevant dispute;
  - (b) a party completes the notification of the other parties that it has withdrawn from the mediation;
  - (c) a party to whom a qualifying request is made fails to give a response reaching the other parties within 14 days of the request;
  - (d) the parties, after being notified that the mediator’s appointment has ended (by death, resignation or otherwise), fail to agree within 14 days to seek to appoint a replacement mediator;
  - (e) the mediation otherwise comes to an end pursuant to the terms of the agreement to mediate.
- (6) For the purpose of subsection (5), a qualifying request is a request by a party that another (A) confirm to all parties that A is continuing with the mediation.
- (7) In the case of any relevant dispute, references in this section to a mediation are references to the mediation so far as it relates to that dispute, and references to a party are to be read accordingly.”

### **Amendments to the Equal Pay Act 1970**

**13.**—(1) The Equal Pay Act 1970(2) is amended as follows.

(2) The amendments have effect until section 2ZA(3) of that Act (which is repealed by the Equality Act 2010(4)) ceases to have effect for all purposes.

**14.** In section 2ZA(qualifying date under section 2(4)) after subsection (7) insert—

“(8) Subsections (3) to (7) are subject to section 2ZAA.”.

**15.** After section 2ZA, insert—

#### **“Extension of time limits because of mediation in certain cross-border disputes**

**2ZAA.**—(1) In this section—

- (a) “Mediation Directive” means Directive [2008/52/EC](#) of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters,
  - (b) “mediation” has the meaning given by article 3(a) of the Mediation Directive,
  - (c) “mediator” has the meaning given by article 3(b) of the Mediation Directive, and
  - (d) “relevant dispute” means a dispute to which article 8(1) of the Mediation Directive applies (certain cross-border disputes).
- (2) Subsection (3) applies where—
- (a) in relation to the whole or part of a relevant dispute, the qualifying date for instituting proceedings is determined in accordance with section 2ZA,
  - (b) a mediation in relation to the relevant dispute starts on or before the qualifying date, and

(2) [1970 c.41](#).

(3) Section 2ZA was inserted by [S.I. 2003/1656](#), regulation 4. The section was modified, in relation to an equal treatment rule, by the Occupational Pension Schemes (Equal Treatment) Regulations 1995, [S.I. 1995/3138](#), reg 2(1)(a), (2) (as amended by [S.I. 2005/1923](#), regulations 2, 4 and 5).

(4) [2010 c.15](#). The whole of the Equal Pay Act 1970 was repealed by the Equality Act 2010, s.211(2), Schedule 27, Part 1 (as amended by [S.I. 2010/2279](#), articles 2, 13 and Schedule 2). This was subject to savings (see [S.I. 2010/2317](#), articles 11(1), 15 and 16 and Schedule 3).

- (c) if not extended by this section, the qualifying date would fall before the mediation ends or before the last day of the period of eight weeks after it ends.
- (3) The qualifying date is instead the last day of that period (subject to paragraph (4)).
- (4) If a qualifying date has been extended by this section, subsections (2) and (3) apply to the extended qualifying date as they apply to a qualifying date mentioned in subsection (2) (a).
- (5) For the purposes of this section, a mediation starts on the date of the agreement to mediate that is entered into by the parties and the mediator.
- (6) For the purposes of this section, a mediation ends on the date of the first of these to occur—
  - (a) the parties reach an agreement in resolution of the relevant dispute,
  - (b) a party completes the notification of the other parties that it has withdrawn from the mediation,
  - (c) a party to whom a qualifying request is made fails to give a response reaching the other parties within 14 days of the request,
  - (d) the parties, after being notified that the mediator’s appointment has ended (by death, resignation or otherwise), fail to agree within 14 days to seek to appoint a replacement mediator,
  - (e) the mediation otherwise comes to an end pursuant to the terms of the agreement to mediate.
- (7) For the purpose of subsection (6), a qualifying request is a request by a party that another (A) confirm to all parties that A is continuing with the mediation.
- (8) In the case of any relevant dispute, references in this section to a mediation are references to the mediation so far as it relates to that dispute, and references to a party are to be read accordingly.”.

### **Amendments to the Prescription and Limitation (Scotland) Act 1973 Act**

**16.** The Prescription and Limitation (Scotland) Act 1973(5) is amended in accordance with regulations 17 and 18.

**17.** In section 22A(6), after subsection (4) insert—

- “(5) The prescriptive period calculated in relation to a relevant cross-border dispute for the purposes of this section is extended where the last day of the period would, apart from this subsection, fall—
  - (a) in the eight weeks after the date that a mediation in relation to the dispute ends;
  - (b) on the date that a mediation in relation to the dispute ends, or
  - (c) after the date when all of the parties to the dispute agree to participate in a mediation in relation to the dispute but before the date that such mediation ends.
- (6) Where subsection (5) applies, the prescriptive period is extended so that it expires on the date falling 8 weeks after the date on which the mediation ends.
- (7) For the purposes of subsections (5) and (6), a mediation ends on the date that any of the following occurs—
  - (a) all of the parties reach an agreement in resolution of the dispute;

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(5) 1973 c.52.

(6) Section 22A was inserted by the Consumer Protection Act 1987 (c.43) section 6(6) and Schedule 1, paragraph 10 and amended by the Arbitration (Scotland) Act 2010 (asp 1), section 23(5).

- (b) all of the parties agree to end the mediation;
- (c) a party withdraws from the mediation, which is the date on which—
  - (i) a party informs all of the other parties of that party’s withdrawal,
  - (ii) in the case of a mediation involving 2 parties, 14 days expire after a request made by one party to the other party seeking confirmation of whether the other party has withdrawn, if the other party does not respond in that period, or
  - (iii) in the case of a mediation involving more than 2 parties, a party informs all of the remaining parties that the party received no response in the 14 days after that party’s request to another party seeking confirmation of whether the other party had withdrawn; or
- (d) a period of 14 days expires after the date on which the mediator’s tenure ends (whether by reason of death, resignation or otherwise), if a replacement mediator has not been appointed.

(8) In this section—

“the Directive” means Directive [2008/52/EC](#) of the European Parliament and of the Council of 21<sup>st</sup> May 2008 on certain aspects of mediation in civil and commercial matters;

“mediation” and “mediator” have the meanings given by Article 3 of the Directive; and

“relevant cross-border dispute” means a cross-border dispute within the meaning given by Article 2 of the Directive—

- (a) which is about an obligation to which a prescriptive period applies by virtue of this section, and
- (b) to which the Directive applies.”.

**18.** After section 22CA(7) insert—

**“22CB. Extension of limitation periods for 1987 Act actions: mediation**

(1) The limitation period calculated in relation to a relevant cross-border dispute for the purposes of section 22B(2) or 22C(2) is extended where the last day of the period would, apart from this subsection, fall—

- (a) in the 8 weeks after the date that a mediation in relation to the dispute ends;
- (b) on the date that a mediation in relation to the dispute ends; or
- (c) after the date when all of the parties to the dispute agree to participate in a mediation in relation to the dispute but before the date that such mediation ends.

(2) Where subsection (1) applies, the limitation period is extended so that it expires on the date falling 8 weeks after the date on which the mediation ends.

(3) For the purposes of this section, a mediation ends on the date that any of the following occurs—

- (a) all of the parties reach an agreement in resolution of the dispute;
- (b) all of the parties agree to end the mediation;
- (c) a party withdraws from the mediation, which is the date on which—
  - (i) a party informs all of the other parties of that party’s withdrawal,

- (ii) in the case of a mediation involving 2 parties, 14 days expire after a request made by one party to the other party seeking confirmation of whether the other party has withdrawn, if the other party does not respond in that period, or
  - (iii) in the case of a mediation involving more than 2 parties, a party informs all of the remaining parties that the party received no response in the 14 days after that party's request to another party seeking confirmation of whether the other party had withdrawn; or
  - (d) a period of 14 days expires after the date on which the mediator's tenure ends (whether by reason of death, resignation or otherwise), if a replacement mediator has not been appointed.
- (4) In this section—
- “the Directive” means Directive [2008/52/EC](#) of the European Parliament and of the Council of 21<sup>st</sup> May 2008 on certain aspects of mediation in civil and commercial matters;
- “mediation” and “mediator” have the meanings given by Article 3 of the Directive; and
- “relevant cross-border dispute” means a cross-border dispute within the meaning given by Article 2 of the Directive—
- (a) which is about a matter to which a limitation period applies by virtue of section 22B or 22C, and
  - (b) to which the Directive applies.”.

#### **Amendments to the Sex Discrimination Act 1975**

- 19.**—(1) Part 7 of the Sex Discrimination Act 1975<sup>(8)</sup> is amended as follows.
- (2) The amendments have effect until section 76 of that Act (which is repealed by the Equality Act 2010<sup>(9)</sup>) ceases to have effect for all purposes.
- 20.** In section 76 (period within which proceedings to be brought), before subsection (5) insert—
- “(4A) The time limits set by subsection (1) are subject to section 76ZA.”
- 21.** After section 76, insert—

#### **“Extension of time limits because of mediation in certain cross-border disputes**

- 76ZA.**—(1) In this section—
- (a) “Mediation Directive” means Directive [2008/52/EC](#) of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters,
  - (b) “mediation” has the meaning given by article 3(a) of the Mediation Directive,
  - (c) “mediator” has the meaning given by article 3(b) of the Mediation Directive, and
  - (d) “relevant dispute” means a dispute to which article 8(1) of the Mediation Directive applies (certain cross-border disputes).

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<sup>(8)</sup> [1975 c.65](#).

<sup>(9)</sup> [2010 c.15](#). The Sex Discrimination Act 1975 was repealed by the Equality Act 2010, s.211(2), Schedule 27, Part 1 (as amended by [S.I. 2010/2279](#), articles 2, 13 and Schedule 2). This was subject to savings (see [S.I. 2010/2317](#), articles 11(1), 15 and 16, 18(1), 18(2) and Schedules 1, 3 and 5).

- (2) Subsection (3) applies where—
- (a) a period is allowed by section 76(1)(a)(**10**) for a complaint in relation to the whole or part of a relevant dispute,
  - (b) a mediation in relation to the relevant dispute starts before the period expires, and
  - (c) if not extended by this section the period would expire before the mediation ends or less than four weeks after it ends.
- (3) The period expires instead at the end of four weeks after the mediation ends (subject to subsection (4)).
- (4) If a period mentioned in subsection (2)(a) has been extended by this section, subsections (2) and (3) apply to the extended period as they apply to a period mentioned in subsection (2)(a).
- (5) Subsection (6) applies where—
- (a) a period is allowed by section 76(2)(**11**) for a complaint or claim in relation to the whole or part of a relevant dispute,
  - (b) a mediation in relation to the relevant dispute starts before the period expires, and
  - (c) if not extended by this section, the period would expire before the mediation ends or less than eight weeks after it ends.
- (6) The period expires instead at the end of eight weeks after the mediation ends (subject to subsection (7)).
- (7) If a period mentioned in subsection (5)(a) has been extended by this section, subsections (5) and (6) apply to the extended period as they apply to a period mentioned in subsection (5)(a).
- (8) For the purposes of this section, a mediation starts on the date of the agreement to mediate that is entered into by the parties and the mediator.
- (9) For the purposes of this section, a mediation ends on the date of the first of these to occur—
- (a) the parties reach an agreement in resolution of the relevant dispute,
  - (b) a party completes the notification of the other parties that it has withdrawn from the mediation,
  - (c) a party to whom a qualifying request is made fails to give a response reaching the other parties within 14 days of the request,
  - (d) the parties, after being notified that the mediator’s appointment has ended (by death, resignation or otherwise), fail to agree within 14 days to seek to appoint a replacement mediator,
  - (e) the mediation otherwise comes to an end pursuant to the terms of the agreement to mediate.
- (10) For the purpose of subsection (9), a qualifying request is a request by a party that another (A) confirm to all parties that A is continuing with the mediation.
- (11) In the case of any relevant dispute, references in this section to a mediation are references to the mediation so far as it relates to that dispute, and references to a party are to be read accordingly.”.

(10) Section 76(1) was amended by the Employment Rights (Dispute Resolution) Act 1998 (c.8), section 1(2)(a) and the Armed Forces Act 1996 (c.46), section 21(6).

(11) Section 76(2) was amended by the Race Relations Act 1976 (c.74), section 79(4), Schedule 4, paragraph 8.

## **Amendments to the Limitation Act 1980**

22. The Limitation Act 1980(12) is amended as follows.
23. In section 10(5) (special time limit for claiming contribution), after “32”, insert “, 33A”.
24. In section 12(3) (special time limit for actions under Fatal Accidents legislation), after “33”, insert “, 33A”.
25. In section 33(8)(13) (discretionary exclusion of time limit for actions in respect of personal injuries or death), for “preceding provisions of this Part of this Act”, substitute “provisions of this Part of this Act other than this section”.
26. After section 33, insert—

### *“Mediation in certain cross-border disputes*

#### **Extension of time limits because of mediation in certain cross-border disputes**

- 33A.—(1) In this section—
- (a) “Mediation Directive” means Directive [2008/52/EC](#) of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters,
  - (b) “mediation” has the meaning given by article 3(a) of the Mediation Directive,
  - (c) “mediator” has the meaning given by article 3(b) of the Mediation Directive, and
  - (d) “relevant dispute” means a dispute to which article 8(1) of the Mediation Directive applies (certain cross-border disputes).
- (2) Subsection (3) applies where—
- (a) a time limit under this Act relates to the subject of the whole or part of a relevant dispute,
  - (b) a mediation in relation to the relevant dispute starts before the time limit expires, and
  - (c) if not extended by this section, the time limit would expire before the mediation ends or less than eight weeks after it ends.
- (3) For the purposes of initiating judicial proceedings or arbitration, the time limit expires instead at the end of eight weeks after the mediation ends (subject to subsection (4)).
- (4) If a time limit has been extended by this section, subsections (2) and (3) apply to the extended time limit as they apply to a time limit mentioned in subsection (2)(a).
- (5) Where more than one time limit applies in relation to a relevant dispute, the extension by subsection (3) of one of those time limits does not affect the others.
- (6) For the purposes of this section, a mediation starts on the date of the agreement to mediate that is entered into by the parties and the mediator.
- (7) For the purposes of this section, a mediation ends on the date of the first of these to occur—
- (a) the parties reach an agreement in resolution of the relevant dispute,
  - (b) a party completes the notification of the other parties that it has withdrawn from the mediation,

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(12) [1980, c.58](#).

(13) Section 33(8) was amended by the Consumer Protection Act 1987, section 6, Schedule 1, Part I, paragraph 6.

- (c) a party to whom a qualifying request is made fails to give a response reaching the other parties within 14 days of the request,
  - (d) after the parties are notified that the mediator’s appointment has ended (by death, resignation or otherwise), they fail to agree within 14 days to seek to appoint a replacement mediator,
  - (e) the mediation otherwise comes to an end pursuant to the terms of the agreement to mediate.
- (8) For the purpose of subsection (7), a qualifying request is a request by a party that another (A) confirm to all parties that A is continuing with the mediation.
- (9) In the case of any relevant dispute, references in this section to a mediation are references to the mediation so far as it relates to that dispute, and references to a party are to be read accordingly.”.

#### **Amendments to the Foreign Limitation Periods Act 1984**

- 27.**—(1) The Foreign Limitation Periods Act 1984(**14**) is amended as follows.
- 28.** In section 1(1)(a), after “proceedings” insert “, subject to section 1A”.
- 29.** After section 1, insert—

#### **“Extension of limitation periods because of mediation of certain cross-border disputes**

- 1A.**—(1) In this section—
- (a) “Mediation Directive” means Directive [2008/52/EC](#) of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters,
  - (b) “mediation” has the meaning given by article 3(a) of the Mediation Directive,
  - (c) “mediator” has the meaning given by article 3(b) of the Mediation Directive, and
  - (d) “relevant dispute” means a dispute to which article 8(1) of the Mediation Directive applies (certain cross-border disputes).
- (2) Subsection (3) applies where—
- (a) a limitation period prescribed by any law applicable by virtue of section 1(1)(a) relates to the subject of the whole or part of a relevant dispute,
  - (b) a mediation in relation to the relevant dispute starts before the period expires, and
  - (c) if not extended by this section, the period would expire before the mediation ends or less than eight weeks after it ends.
- (3) For the purposes of initiating judicial proceedings or arbitration, the limitation period expires instead at the end of eight weeks after the mediation ends (subject to subsection (4)).
- (4) If a limitation period has been extended by this section, subsections (2) and (3) apply to the extended limitation period as they apply to a limitation period mentioned in subsection (2)(a).
- (5) For the purposes of this section, mediation starts on the date of the agreement to mediate that is entered into by the parties and the mediator.
- (6) For the purposes of this section, a mediation ends on the date of the first of these to occur—



- (a) the parties reach an agreement in resolution of the relevant dispute,
- (b) a party completes the notification of the other parties that it has withdrawn from the mediation,
- (c) a party to whom a qualifying request is made fails to give a response reaching the other parties within 14 days of the request,
- (d) after the parties are notified that the mediator's appointment has ended (by death, resignation or otherwise), they fail to agree within 14 days to seek to appoint a replacement mediator,
- (e) the mediation otherwise comes to an end pursuant to the terms of the agreement to mediate.

(7) For the purpose of subsection (6), a qualifying request is a request by a party that another (A) confirm to all parties that A is continuing with the mediation.

(8) In the case of any relevant dispute, references in this section to a mediation are references to the mediation so far as it relates to that dispute, and references to a party are to be read accordingly.

(9) This section is without prejudice to any enactment which has effect for the purposes of provisions—

- (a) relating to limitation or prescription periods and
- (b) contained in an international agreement to which the United Kingdom is a party.”.

### **Amendments to the Employment Rights Act 1996**

**30.** The Employment Rights Act 1996(15) is amended as follows.

**31.** In section 11 after subsection (4) insert—

“(5) Section 207A(3) (extension because of mediation in certain European cross-border disputes) applies for the purposes of subsection (4)(a).”.

**32.** In section 23 after subsection (3) insert—

“(3A) Section 207A(3) (extension because of mediation in certain European cross-border disputes) applies for the purposes of subsection (2).”

**33.** In section 34 after subsection (2) insert—

“(2A) Section 207A(3) (extension because of mediation in certain European cross-border disputes) applies for the purposes of subsection (2)(a).”.

**34.** In section 48 after subsection (4) insert—

“(4A) Section 207A(3) (extension because of mediation in certain European cross-border disputes) applies for the purposes of subsection (3)(a).”.

**35.** In section 51 after subsection (2) insert—

“(2A) Section 207A(3) (extension because of mediation in certain European cross-border disputes) applies for the purposes of subsection (2)(a).”.

**36.** In section 54 after subsection (2) insert—

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(15) 1996 c.18. The following sections were amended by the Employment Rights (Dispute Resolution) Act 1998 (c.8): Section 11(4); Section 34(2); Section 48(3); Section 51(2); Section 54(2); Section 57(2); Section 60(2); Section 70(2) and (5). Section 57B(2) was inserted by the Employment Relations Act 1999 (c.26), section 8, Schedule 4, Part II. Section 63C was inserted by the Teaching and Higher Education Act 1998 (c.30), section 33. Section 63I was inserted by the Apprenticeships, Skills, Children and Learning Act 2009 (c.22), section 40(1) and (2). Section 80 was substituted by the Employment Relations Act 1999, section 7, Schedule 4, Part I. Section 80H was inserted by the Employment Act 2002, section 47(1) and (2).

- “(2A) Section 207A(3) (extension because of mediation in certain European cross-border disputes) applies for the purposes of subsection (2)(a).”
- 37.** In section 57 after subsection (2) insert—
- “(2A) Section 207A(3) (extension because of mediation in certain European cross-border disputes) applies for the purposes of subsection (3)(a).”
- 38.** In section 57B after subsection (2) insert—
- “(2A) Section 207A(3) (extension because of mediation in certain European cross-border disputes) applies for the purposes of subsection (2)(a).”
- 39.** In section 60 after subsection (2), insert—
- “(2A) Section 207A(3) (extension because of mediation in certain European cross-border disputes) applies for the purposes of subsection (2)(a).”
- 40.** In section 63 after subsection (2), insert—
- “(2A) Section 207A(3) (extension because of mediation in certain European cross-border disputes) applies for the purposes of subsection (2)(a).”
- 41.** In section 63C after subsection (2) insert—
- “(2A) Section 207A(3) (extension because of mediation in certain European cross-border disputes) applies for the purposes of subsection (2)(a).”
- 42.** In section 63I after subsection (6) insert—
- “(7) Section 207A(3) (extension because of mediation in certain European cross-border disputes) applies to subsection (5)(a).”
- 43.** In section 70 after subsection (7) insert—
- “(8) Section 207A(3) (extension because of mediation in certain European cross-border disputes) applies for the purposes of subsections (2)(a) and (5)(a).”
- 44.** In section 80 after subsection (2) insert—
- “(2A) Section 207A(3) (extension because of mediation in certain European cross-border disputes) applies for the purposes of subsection (2)(a).”
- 45.** In section 80H after subsection (6) insert—
- “(7) Section 207A(3) (extension because of mediation in certain European cross-border disputes) applies for the purposes of subsection (5)(a).”
- 46.** In section 111 after subsection (2) insert—
- “(2A) Section 207A(3) (extension because of mediation in certain European cross-border disputes) applies for the purposes of subsection (2)(a).”
- 47.** In section 164 after subsection (3), insert—
- “(4) Subsections (1)(c) and (2)(**16**) are subject to section 207A (extension because of mediation in certain European cross-border disputes).”
- 48.** After section 207, insert—

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(16) Section 164(1)(c) and (2) are subject to Employment Rights (Dispute Resolution) Act 1998, section 1(2)(a).

*“Mediation in certain cross-border disputes*

**Extension of time limits because of mediation in certain cross-border disputes**

**207A.**—(1) In this section—

- (a) “Mediation Directive” means Directive [2008/52/EC](#) of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters,
- (b) “mediation” has the meaning given by article 3(a) of the Mediation Directive,
- (c) “mediator” has the meaning given by article 3(b) of the Mediation Directive, and
- (d) “relevant dispute” means a dispute to which article 8(1) of the Mediation Directive applies (certain cross-border disputes).

(2) Subsection (3) applies where—

- (a) this Act provides for that subsection to apply for the purposes of a provision of this Act,
- (b) a time limit is set by that provision in relation to the whole or part of a relevant dispute,
- (c) a mediation in relation to the relevant dispute starts before the time limit expires, and
- (d) if not extended by this section, the time limit would expire before the mediation ends or less than four weeks after it ends.

(3) The time limit expires instead at the end of four weeks after the mediation ends (subject to subsection (4)).

(4) If a time limit mentioned in subsection (2)(b) has been extended by this section, subsections (2) and (3) apply to the extended time limit as they apply to a time limit mentioned in subsection (2)(b).

(5) Subsection (6) applies where—

- (a) a time limit is set by section 164(1)(c) or (2) in relation to the whole or part of a relevant dispute,
- (b) a mediation in relation to the relevant dispute starts before the time limit expires, and
- (c) if not extended by this section, the time limit would expire before the mediation ends or less than eight weeks after it ends.

(6) The time limit expires instead at the end of eight weeks after the mediation ends (subject to subsection (7)).

(7) If a time limit mentioned in subsection (5)(a) has been extended by this section, subsections (5) and (6) apply to the extended time limit as they apply to a time limit mentioned in subsection (5)(a).

(8) Where more than one time limit applies in relation to a relevant dispute, the extension by subsection (3) or (6) of one of those time limits does not affect the others.

(9) For the purposes of this section, a mediation starts on the date of the agreement to mediate that is entered into by the parties and the mediator.

(10) For the purposes of this section, a mediation ends on the date of the first of these to occur—

- (a) the parties reach an agreement in resolution of the relevant dispute,

- (b) a party completes the notification of the other parties that it has withdrawn from the mediation,
- (c) a party to whom a qualifying request is made fails to give a response reaching the other parties within 14 days of the request,
- (d) the parties, after being notified that the mediator's appointment has ended (by death, resignation or otherwise), fail to agree within 14 days to seek to appoint a replacement mediator,
- (e) the mediation otherwise comes to an end pursuant to the terms of the agreement to mediate.

(11) For the purpose of subsection (10), a qualifying request is a request by a party that another (A) confirm to all parties that A is continuing with the mediation.

(12) In the case of any relevant dispute, references in this section to a mediation are references to the mediation so far as it relates to that dispute, and references to a party are to be read accordingly.

(13) Where an employment tribunal has power under this Act to extend a time limit to which subsection (3) applies, the power is exercisable in relation to the time limit as extended by this section.”.

#### **Amendments to the Land Registration Act 2002**

- 49.** Schedule 6 to the Land Registration Act 2002<sup>(17)</sup> is amended as follows.
- 50.** In paragraph 1(1), at the beginning insert “Subject to paragraph 16,”.
- 51.** In paragraph 1(2), at the beginning insert “Subject to paragraph 16,”.
- 52.** After paragraph 6(1), insert—
  - “(1A) Sub-paragraph (1) is subject to paragraph 16,”.
- 53.** After paragraph 15, insert—

#### **“Extension of time limits because of mediation in certain cross-border disputes**

- 16.—(1)** In this paragraph—
  - (a) “Mediation Directive” means Directive [2008/52/EC](#) of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters,
  - (b) “mediation” has the meaning given by article 3(a) of the Mediation Directive,
  - (c) “mediator” has the meaning given by article 3(b) of the Mediation Directive, and
  - (d) “relevant dispute” means a dispute to which article 8(1) of the Mediation Directive applies (certain cross-border disputes).
- (2)** Sub-paragraph (3) applies where—
  - (a) a period of time is prescribed by paragraph 1(1), 1(2)(a) or 6(1) in relation to the whole or part of a relevant dispute,
  - (b) a mediation in relation to the relevant dispute starts before the period expires, and
  - (c) if not extended by this paragraph, the period would expire before the mediation ends or less than eight weeks after it ends.

<sup>(17)</sup> 2002 c.9.

(3) The period expires instead at the end of eight weeks after the mediation ends (subject to sub-paragraph (4)).

(4) If a period has been extended by this paragraph, sub-paragraphs (2) and (3) apply to the extended period as they apply to a period mentioned in sub-paragraph (2)(a).

(5) Where more than one period applies in relation to a relevant dispute, the extension by sub-paragraph (3) of one of those periods does not affect the others.

(6) For the purposes of this paragraph, a mediation starts on the date of the agreement to mediate that is entered into by the parties and the mediator.

(7) For the purposes of this paragraph, a mediation ends on date of the first of these to occur—

- (a) the parties reach an agreement in resolution of the relevant dispute,
- (b) a party completes the notification of the other parties that it has withdrawn from the mediation,
- (c) a party to whom a qualifying request is made fails to give a response reaching the other parties within 14 days of the request,
- (d) the parties, after being notified that the mediator’s appointment has ended (by death, resignation or otherwise), fail to agree within 14 days to seek to appoint a replacement mediator,
- (e) the mediation otherwise comes to an end pursuant to the terms of the agreement to mediate.

(8) For the purpose of sub-paragraph (7), a qualifying request is a request by a party that another (A) confirm to all parties that A is continuing with the mediation.

(9) In the case of any relevant dispute, references in this paragraph to a mediation are references to the mediation so far as it relates to that dispute, and references to a party are to be read accordingly.”.

### **Amendments to the Equality Act 2010**

**54.** Part 9 of the Equality Act 2010(18) is amended as follows.

**55.** In section 118(1), at the beginning insert “Subject to section 140A”.

**56.** In section 123(1), at the beginning insert “Subject to section 140A”.

**57.** In section 129(3), after “second column”, insert “, subject to section 140A”.

**58.** After section 140, insert—

#### **“Extension of time limits because of mediation in certain cross-border disputes**

**140A.**—(1) In this section—

- (a) “Mediation Directive” means Directive [2008/52/EC](#) of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters,
- (b) “mediation” has the meaning given by article 3(a) of the Mediation Directive,
- (c) “mediator” has the meaning given by article 3(b) of the Mediation Directive, and
- (d) “relevant dispute” means a dispute to which article 8(1) of the Mediation Directive applies (certain cross-border disputes).

- (2) Subsection (3) applies where—
  - (a) a time limit is set by section 118(1)(a), 118(2) or 129(3) in relation to the whole or part of a relevant dispute,
  - (b) a mediation in relation to the relevant dispute starts before the time limit expires, and
  - (c) if not extended by this section, the time limit would expire before the mediation ends or less than eight weeks after it ends.
- (3) The time limit expires instead at the end of eight weeks after the mediation ends (subject to subsection (4)).
- (4) If a time limit mentioned in subsection (2)(a) has been extended by this section, subsections (2) and (3) apply to the extended time limit as they apply to a time limit mentioned in subsection (2)(a).
- (5) Subsection (6) applies where—
  - (a) a time limit is set by section 123(1)(a) in relation to the whole or part of a relevant dispute,
  - (b) a mediation in relation to the relevant dispute starts before the time limit expires, and
  - (c) if not extended by this section the time limit would expire before the mediation ends or less than four weeks after it ends.
- (6) The time limit expires instead at the end of four weeks after the mediation ends (subject to subsection (7)).
- (7) If a time limit mentioned in subsection (5)(a) has been extended by this section, subsections (5) and (6) apply to the extended time limit as they apply to a time limit mentioned in subsection (5)(a).
- (8) Where more than one time limit applies in relation to a relevant dispute, the extension by subsection (3) or (6) of one of those time limits does not affect the others.
- (9) For the purposes of this section, a mediation starts on the date of the agreement to mediate that is entered into by the parties and the mediator.
- (10) For the purposes of this section, a mediation ends on the date of the first of these to occur—
  - (a) the parties reach an agreement in resolution of the relevant dispute,
  - (b) a party completes the notification of the other parties that it has withdrawn from the mediation,
  - (c) a party to whom a qualifying request is made fails to give a response reaching the other parties within 14 days of the request,
  - (d) the parties, after being notified that the mediator’s appointment has ended (by death, resignation or otherwise), fail to agree within 14 days to seek to appoint a replacement mediator,
  - (e) the mediation otherwise comes to an end pursuant to the terms of the agreement to mediate.
- (11) For the purpose of subsection (10), a qualifying request is a request by a party that another (A) confirm to all parties that A is continuing with the mediation.
- (12) In the case of any relevant dispute, references in this section to a mediation are references to the mediation so far as it relates to that dispute, and references to a party are to be read accordingly.

(13) Where a court or tribunal has power under section 118(1)(b) or 123(1)(b) to extend a period of limitation, the power is exercisable in relation to the period of limitation as extended by this section.”