
STATUTORY INSTRUMENTS

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

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- (b) a party completes the notification of the other parties that it has withdrawn from the mediation;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.”