
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 Limitation Act 1980

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 - (b) a party completes the notification of the other parties that it has withdrawn from the mediation,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