

SCHEDULE 2

Regulation 5

PART 1

Modification of primary legislation

Modification of the Prescription Act 1832

1.—(1) Section 8A of the Prescription Act 1832 (exclusion of time because of mediation in certain cross-border disputes) is modified as follows.

(2) Subsection (1) is to be read as if for it there were substituted—

“(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 and “mediator” have the meanings given by Article 3 of the Mediation Directive, except that for the purpose of construing those expressions—
 - (i) Article 3(a) is to be read as if for “the law of a Member State” there were substituted “law”, and
 - (ii) Article 3(b) is to be read as if for “Member State concerned” there were substituted “United Kingdom or the Member State concerned”,
- (c) “relevant dispute” means a dispute within Article 8(1) of the Mediation Directive (certain cross-border disputes), reading Article 8 as if—
 - (i) the obligation imposed on Member States by paragraph (1) were also imposed in relation to the United Kingdom, and
 - (ii) in paragraph (2), for “Member States” there were substituted “the United Kingdom and Member States”.

(1A) In construing the definition of “relevant dispute” in subsection (1)(c), Article 2 of the Mediation Directive (which defines cross-border disputes for the purposes of the Mediation Directive) is to be read as if—

- (a) in paragraph 1 for “in a Member State other than that of any other party” there were substituted “in the United Kingdom, and at least one other party is domiciled or habitually resident in a Member State”,
- (b) in paragraph 2 for “in a Member State” there were substituted “in a country (“country” for these purposes being limited to the United Kingdom or a Member State)”, and
- (c) for paragraph 3 there were substituted—

“**3.** For the purposes of paragraphs 1 and 2, domicile is to be determined in accordance with paragraphs 4 to 8.

4. In order to determine whether a party is domiciled in the country (“country” for these purposes being limited to the United Kingdom or a Member State) whose courts are seised of a matter, the court shall apply its internal law.

5. If a party is not domiciled in the country whose courts are seised of the matter, then, in order to determine whether the party is domiciled in another country, the court shall apply the law of that country.

Status: This is the original version (as it was originally made).

6. For the purposes of paragraphs 1 and 2, a company or other legal person or association of natural or legal persons is domiciled at the place where it has its—

- (a) statutory seat;
- (b) central administration; or
- (c) principal place of business.

7. For the purposes of Ireland, Cyprus and the United Kingdom, “statutory seat” means the registered office or, where there is no such office anywhere, the place of incorporation or, where there is no such place anywhere, the place under the law of which the formation took place.

8. In order to determine whether a trust is domiciled in the country whose courts are seised of the matter, the court shall apply its rules of private international law.”.”.

Modification of the Land Registration Act (Northern Ireland) 1970

2.—(1) Paragraph 4A of Schedule 9 to the Land Registration Act (Northern Ireland) 1970 (compensation payable under the Act) is modified as follows.

(2) Sub-paragraph (1)(a) is to be read as if for “relevant cross border dispute” there were substituted “cross-border dispute”.

(3) Sub-paragraph (3) is to be read as if for “relevant cross-border dispute” there were substituted “cross-border dispute”.

(4) Sub-paragraph (4) is to be read as if for it there were substituted—

“(4) In this paragraph—

“cross-border dispute” has the meaning given by Article 2 of the Directive except that—

- (a) paragraph 1 is to be read as if for “in a Member State other than that of any other party” there were substituted “in the United Kingdom, and at least one other party is domiciled or habitually resident in a Member State”;
- (b) paragraph 2 is to be read as if for “in a Member State” there were substituted “in a country (“country” for these purposes being limited to the United Kingdom or a Member State)”; and
- (c) paragraph 3 is to be read as if for it there were substituted—

“3. For the purposes of paragraphs 1 and 2, domicile is to be determined in accordance with paragraphs 4 to 8.

4. In order to determine whether a party is domiciled in the country (“country” for these purposes being limited to the United Kingdom or a Member State) whose courts are seised of a matter, the court shall apply its internal law.

5. If a party is not domiciled in the country whose courts are seised of the matter, then, in order to determine whether the party is domiciled in another country, the court shall apply the law of that country.

6. For the purposes of paragraphs 1 and 2, a company or other legal person or association of natural or legal persons is domiciled at the place where it has its—

- (a) statutory seat;
- (b) central administration; or
- (c) principal place of business.

7. For the purposes of Ireland, Cyprus and the United Kingdom, “statutory seat” means the registered office or, where there is no such office anywhere, the place of incorporation or, where there is no such place anywhere, the place under the law of which the formation took place.

8. In order to determine whether a trust is domiciled in the country whose courts are seised of the matter, the court shall apply its rules of private international law.”;

“the 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;

“mediation” and “mediator” have the meanings given by Article 3 of the Directive, except that for the purpose of construing those expressions—

- (a) Article 3(a) is to be read as if for “the law of a Member State” there were substituted “law”; and
- (b) Article 3(b) is to be read as if for “Member State concerned” there were substituted “United Kingdom or the Member State concerned”.”.

Modification of the Equal Pay Act (Northern Ireland) 1970

3.—(1) Section 2ZAA of the Equal Pay Act (Northern Ireland) 1970 (extension of time limit: mediation) is modified as follows.

(2) Subsection (1)(a) is to be read as if for “relevant cross border dispute” there were substituted “cross-border dispute”.

(3) Subsection (3) is to be read as if for “relevant cross-border dispute” there were substituted “cross-border dispute”.

(4) Subsection (4) is to be read as if for it there were substituted—

“(4) In this section—

“cross-border dispute” has the meaning given by Article 2 of the Directive except that—

- (a) paragraph 1 is to be read as if for “in a Member State other than that of any other party” there were substituted “in the United Kingdom, and at least one other party is domiciled or habitually resident in a Member State”;
- (b) paragraph 2 is to be read as if for “in a Member State” there were substituted “in a country (“country” for these purposes being limited to the United Kingdom or a Member State)”;
- (c) paragraph 3 is to be read as if for it there were substituted—

“3. For the purposes of paragraphs 1 and 2, domicile is to be determined in accordance with paragraphs 4 to 8.

4. In order to determine whether a party is domiciled in the country (“country” for these purposes being limited to the United Kingdom or a Member State) whose courts are seised of a matter, the court shall apply its internal law.

5. If a party is not domiciled in the country whose courts are seised of the matter, then, in order to determine whether the party is domiciled in another country, the court shall apply the law of that country.

6. For the purposes of paragraphs 1 and 2, a company or other legal person or association of natural or legal persons is domiciled at the place where it has its—

Status: This is the original version (as it was originally made).

- (a) statutory seat;
- (b) central administration; or
- (c) principal place of business.

7. For the purposes of Ireland, Cyprus and the United Kingdom, “statutory seat” means the registered office or, where there is no such office anywhere, the place of incorporation or, where there is no such place anywhere, the place under the law of which the formation took place.

8. In order to determine whether a trust is domiciled in the country whose courts are seised of the matter, the court shall apply its rules of private international law.”;

“the 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;

“mediation” and “mediator” have the meanings given by Article 3 of the Directive, except that for the purpose of construing those expressions—

- (a) Article 3(a) is to be read as if for “the law of a Member State” there were substituted “law”; and
- (b) Article 3(b) is to be read as if for “Member State concerned” there were substituted “United Kingdom or the Member State concerned”.”.

Modification of the Prescription and Limitation (Scotland) Act 1973

4.—(1) Section 22A of the Prescription and Limitation (Scotland) Act 1973 (ten years’ prescription of obligations) is modified as follows.

(2) Subsection (8) is to be read as if for it there were substituted—

“(8) In this section—

“the Directive” means [Directive 2008/52/EC](#) of the European Parliament and of the Council of 21st 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, except that for the purpose of construing those expressions—

- (a) Article 3(a) is to be read as if for “the law of a Member State” there were substituted “law”; and
- (b) Article 3(b) is to be read as if for “Member State concerned” there were substituted “United Kingdom or the Member State concerned”;

“relevant cross-border dispute” means a cross-border dispute within the meaning given by Article 2 of the Directive which is about an obligation to which a prescriptive period applies by virtue of this section.

(9) In construing the definition of “relevant cross-border dispute” in subsection (8) Article 2 of the Directive (which defines cross-border disputes for the purposes of the Directive) is to be read as if—

- (a) in paragraph 1 for “in a Member State other than that of any other party” there were substituted “in the United Kingdom, and at least one other party is domiciled or habitually resident in a Member State”; and

- (b) in paragraph 2 for “in a Member State” there were substituted “in a country (“country” for these purposes being limited to the United Kingdom or a Member State)”; and

- (c) for paragraph 3 there were substituted—

“3. For the purposes of paragraphs 1 and 2, domicile is to be determined in accordance with paragraphs 4 to 8.

4. In order to determine whether a party is domiciled in the country (“country” for these purposes being limited to the United Kingdom or a Member State) whose courts are seised of a matter, the court shall apply its internal law.

5. If a party is not domiciled in the country whose courts are seised of the matter, then, in order to determine whether the party is domiciled in another country, the court shall apply the law of that country.

6. For the purposes of paragraphs 1 and 2, a company or other legal person or association of natural or legal persons is domiciled at the place where it has its—

- (a) statutory seat;
- (b) central administration; or
- (c) principal place of business.

7. For the purposes of Ireland, Cyprus and the United Kingdom, “statutory seat” means the registered office or, where there is no such office anywhere, the place of incorporation or, where there is no such place anywhere, the place under the law of which the formation took place.

8. In order to determine whether a trust is domiciled in the country whose courts are seised of the matter, the court shall apply its rules of private international law.”.”.

5.—(1) Section 22CB of the Prescription and Limitation (Scotland) Act 1973 (extension of limitation period 1987 Act actions: mediation) is modified as follows.

- (2) Subsection (4) is to be read as if for it there were substituted—

“(4) In this section—

“the Directive” means [Directive 2008/52/EC](#) of the European Parliament and of the Council of 21st 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, except that for the purpose of construing those expressions—

- (a) Article 3(a) is to be read as if for “the law of a Member State” there were substituted “law”; and
- (b) Article 3(b) is to be read as if for “Member State concerned” there were substituted “United Kingdom or the Member State concerned”;

“relevant cross-border dispute” means a cross-border dispute within the meaning given by Article 2 of the Directive which is about a matter to which a limitation period applies by virtue of section 22B or 22C.

- (5) In construing the definition of “relevant cross-border dispute” in subsection (4) Article 2 of the Directive (which defines cross-border disputes for the purposes of the Directive) is to be read as if—

Status: This is the original version (as it was originally made).

- (a) in paragraph 1 for “in a Member State other than that of any other party” there were substituted “in the United Kingdom, and at least one other party is domiciled or habitually resident in a Member State”;
- (b) in paragraph 2 for “in a Member State” there were substituted “in a country (“country” for these purposes being limited to the United Kingdom or a Member State)”; and
- (c) for paragraph 3 there were substituted—

“3. For the purposes of paragraphs 1 and 2, domicile is to be determined in accordance with paragraphs 4 to 8.

4. In order to determine whether a party is domiciled in the country (“country” for these purposes being limited to the United Kingdom or a Member State) whose courts are seised of a matter, the court shall apply its internal law.

5. If a party is not domiciled in the country whose courts are seised of the matter, then, in order to determine whether the party is domiciled in another country, the court shall apply the law of that country.

6. For the purposes of paragraphs 1 and 2, a company or other legal person or association of natural or legal persons is domiciled at the place where it has its—

- (a) statutory seat;
- (b) central administration; or
- (c) principal place of business.

7. For the purposes of Ireland, Cyprus and the United Kingdom, “statutory seat” means the registered office or, where there is no such office anywhere, the place of incorporation or, where there is no such place anywhere, the place under the law of which the formation took place.

8. In order to determine whether a trust is domiciled in the country whose courts are seised of the matter, the court shall apply its rules of private international law.”.

Modification of the Sex Discrimination (Northern Ireland) Order 1976

6.—(1) Article 76A of the Sex Discrimination (Northern Ireland) Order 1976 (extension of time limit: mediation) is modified as follows.

(2) Paragraph (1)(a) is to be read as if for “relevant cross border dispute” there were substituted “cross-border dispute”.

(3) Paragraph (3) is to be read as if for “relevant cross-border dispute” there were substituted “cross-border dispute”.

(4) Paragraph (4) is to be read as if for it there were substituted—

“(4) In this Article—

“cross-border dispute” has the meaning given by Article 2 of the Directive except that—

- (a) paragraph 1 is to be read as if for “in a Member State other than that of any other party” there were substituted “in the United Kingdom, and at least one other party is domiciled or habitually resident in a Member State”;
- (b) paragraph 2 is to be read as if for “in a Member State” there were substituted “in a country (“country” for these purposes being limited to the United Kingdom or a Member State)”; and

- (c) paragraph 3 is to be read as if for it there were substituted—

“3. For the purposes of paragraphs 1 and 2, domicile is to be determined in accordance with paragraphs 4 to 8.

4. In order to determine whether a party is domiciled in the country (“country” for these purposes being limited to the United Kingdom or a Member State) whose courts are seised of a matter, the court shall apply its internal law.

5. If a party is not domiciled in the country whose courts are seised of the matter, then, in order to determine whether the party is domiciled in another country, the court shall apply the law of that country.

6. For the purposes of paragraphs 1 and 2, a company or other legal person or association of natural or legal persons is domiciled at the place where it has its—

- (a) statutory seat;
- (b) central administration; or
- (c) principal place of business.

7. For the purposes of Ireland, Cyprus and the United Kingdom, “statutory seat” means the registered office or, where there is no such office anywhere, the place of incorporation or, where there is no such place anywhere, the place under the law of which the formation took place.

8. In order to determine whether a trust is domiciled in the country whose courts are seised of the matter, the court shall apply its rules of private international law.”;

“the 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;

“mediation” and “mediator” have the meanings given by Article 3 of the Directive, except that for the purpose of construing those expressions—

- (a) Article 3(a) is to be read as if for “the law of a Member State” there were substituted “law”; and
- (b) Article 3(b) is to be read as if for “Member State concerned” there were substituted “United Kingdom or the Member State concerned”.”.

Modification of the Matrimonial Causes (Northern Ireland) Order 1978

7.—(1) Article 55A of the Matrimonial Causes (Northern Ireland) Order 1978 (extension of time limit: mediation) is modified as follows.

(2) Paragraph (1)(a) is to be read as if for “relevant cross border dispute” there were substituted “cross-border dispute”.

(3) Paragraph (3) is to be read as if for “relevant cross-border dispute” there were substituted “cross-border dispute”.

(4) Paragraph (4) is to be read as if for it there were substituted—

“(4) In this Article—

“cross-border dispute” has the meaning given by Article 2 of the Directive except that—

Status: This is the original version (as it was originally made).

- (a) paragraph 1 is to be read as if for “in a Member State other than that of any other party” there were substituted “in the United Kingdom, and at least one other party is domiciled or habitually resident in a Member State”;
- (b) paragraph 2 is to be read as if for “in a Member State” there were substituted “in a country (“country” for these purposes being limited to the United Kingdom or a Member State)”; and
- (c) paragraph 3 is to be read as if for it there were substituted—

“3. For the purposes of paragraphs 1 and 2, domicile is to be determined in accordance with paragraphs 4 to 8.

4. In order to determine whether a party is domiciled in the country (“country” for these purposes being limited to the United Kingdom or a Member State) whose courts are seised of a matter, the court shall apply its internal law.

5. If a party is not domiciled in the country whose courts are seised of the matter, then, in order to determine whether the party is domiciled in another country, the court shall apply the law of that country.

6. For the purposes of paragraphs 1 and 2, a company or other legal person or association of natural or legal persons is domiciled at the place where it has its—

- (a) statutory seat;
- (b) central administration; or
- (c) principal place of business.

7. For the purposes of Ireland, Cyprus and the United Kingdom, “statutory seat” means the registered office or, where there is no such office anywhere, the place of incorporation or, where there is no such place anywhere, the place under the law of which the formation took place.

8. In order to determine whether a trust is domiciled in the country whose courts are seised of the matter, the court shall apply its rules of private international law.”;

“the 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;

“mediation” and “mediator” have the meanings given by Article 3 of the Directive, except that for the purpose of construing those expressions—

- (a) Article 3(a) is to be read as if for “the law of a Member State” there were substituted “law”; and
- (b) Article 3(b) is to be read as if for “Member State concerned” there were substituted “United Kingdom or the Member State concerned”.”.

Modification of the Limitation Act 1980

8.—(1) Section 33A of the Limitation Act 1980 (extension of time limits because of mediation in certain cross-border disputes) is modified as follows.

- (2) Subsection (1) is to be read as if for it there were substituted—

“(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” and “mediator” have the meanings given by Article 3 of the Mediation Directive, except that for the purpose of construing those expressions—
 - (i) Article 3(a) is to be read as if for “the law of a Member State” there were substituted “law”, and
 - (ii) Article 3(b) is to be read as if for “Member State concerned” there were substituted “United Kingdom or the Member State concerned”, and
 - (c) “relevant dispute” means a dispute within Article 8(1) of the Mediation Directive (certain cross-border disputes), reading Article 8 as if—
 - (i) the obligation imposed on Member States by paragraph (1) were also imposed in relation to the United Kingdom, and
 - (ii) in paragraph (2), for “Member States” there were substituted “the United Kingdom and Member States”.
- (1A) In construing the definition of “relevant dispute” in subsection (1)(c), Article 2 of the Mediation Directive (which defines cross-border disputes for the purposes of the Mediation Directive) is to be read as if—
- (a) in paragraph 1 for “in a Member State other than that of any other party” there were substituted “in the United Kingdom, and at least one other party is domiciled or habitually resident in a Member State”, and
 - (b) in paragraph 2 for “in a Member State” there were substituted “in a country (“country” for these purposes being limited to the United Kingdom or a Member State)”, and
 - (c) for paragraph 3 there were substituted—
 - “3. For the purposes of paragraphs 1 and 2, domicile is to be determined in accordance with paragraphs 4 to 8.**
 - 4. In order to determine whether a party is domiciled in the country (“country” for these purposes being limited to the United Kingdom or a Member State) whose courts are seised of a matter, the court shall apply its internal law.**
 - 5. If a party is not domiciled in the country whose courts are seised of the matter, then, in order to determine whether the party is domiciled in another country, the court shall apply the law of that country.**
 - 6. For the purposes of paragraphs 1 and 2, a company or other legal person or association of natural or legal persons is domiciled at the place where it has its—**
 - (a) statutory seat;**
 - (b) central administration; or**
 - (c) principal place of business.**
 - 7. For the purposes of Ireland, Cyprus and the United Kingdom, “statutory seat” means the registered office or, where there is no such office anywhere, the place of incorporation or, where there is no such place anywhere, the place under the law of which the formation took place.**
 - 8. In order to determine whether a trust is domiciled in the country whose courts are seised of the matter, the court shall apply its rules of private international law.”.**

Modification of the Domestic Proceedings (Northern Ireland) Order 1980

9.—(1) Article 35A of the Domestic Proceedings (Northern Ireland) Order 1980 (extension of time limit: mediation) is modified as follows.

(2) Paragraph (1)(a) is to be read as if for “relevant cross border dispute” there were substituted “cross-border dispute”.

(3) Paragraph (3) is to be read as if for “relevant cross-border dispute” there were substituted “cross-border dispute”.

(4) Paragraph (4) is to be read as if for it there were substituted—

“(4) In this Article—

“cross-border dispute” has the meaning given by Article 2 of the Directive except that—

- (a) paragraph 1 is to be read as if for “in a Member State other than that of any other party” there were substituted “in the United Kingdom, and at least one other party is domiciled or habitually resident in a Member State”;
- (b) paragraph 2 is to be read as if for “in a Member State” there were substituted “in a country (“country” for these purposes being limited to the United Kingdom or a Member State)”; and
- (c) paragraph 3 is to be read as if for it there were substituted—

“3. For the purposes of paragraphs 1 and 2, domicile is to be determined in accordance with paragraphs 4 to 8.

4. In order to determine whether a party is domiciled in the country (“country” for these purposes being limited to the United Kingdom or a Member State) whose courts are seised of a matter, the court shall apply its internal law.

5. If a party is not domiciled in the country whose courts are seised of the matter, then, in order to determine whether the party is domiciled in another country, the court shall apply the law of that country.

6. For the purposes of paragraphs 1 and 2, a company or other legal person or association of natural or legal persons is domiciled at the place where it has its—

- (a) statutory seat;
- (b) central administration; or
- (c) principal place of business.

7. For the purposes of Ireland, Cyprus and the United Kingdom, “statutory seat” means the registered office or, where there is no such office anywhere, the place of incorporation or, where there is no such place anywhere, the place under the law of which the formation took place.

8. In order to determine whether a trust is domiciled in the country whose courts are seised of the matter, the court shall apply its rules of private international law.”;

“the 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;

“mediation” and “mediator” have the meanings given by Article 3 of the Directive, except that for the purpose of construing those expressions—

- (a) Article 3(a) is to be read as if for “the law of a Member State” there were substituted “law”; and

- (b) Article 3(b) is to be read as if for “Member State concerned” there were substituted “United Kingdom or the Member State concerned”.

Modification of the Magistrates’ Courts (Northern Ireland) Order 1981

10.—(1) Article 63A of the Magistrates’ Courts (Northern Ireland) Order 1981 (extension of time limit: mediation) is modified as follows.

(2) Paragraph (1)(a) is to be read as if for “relevant cross border dispute” there were substituted “cross-border dispute”.

(3) Paragraph (3) is to be read as if for “relevant cross-border dispute” there were substituted “cross-border dispute”

(4) Paragraph (4) is to be read as if for it there were substituted—

“(4) In this Article—

“cross-border dispute” has the meaning given by Article 2 of the Directive except that—

- (a) paragraph 1 is to be read as if for “in a Member State other than that of any other party” there were substituted “in the United Kingdom, and at least one other party is domiciled or habitually resident in a Member State”;
- (b) paragraph 2 is to be read as if for “in a Member State” there were substituted “in a country (“country” for these purposes being limited to the United Kingdom or a Member State)”; and
- (c) paragraph 3 is to be read as if for it there were substituted—

“**3.** For the purposes of paragraphs 1 and 2, domicile is to be determined in accordance with paragraphs 4 to 8.

4. In order to determine whether a party is domiciled in the country (“country” for these purposes being limited to the United Kingdom or a Member State) whose courts are seised of a matter, the court shall apply its internal law.

5. If a party is not domiciled in the country whose courts are seised of the matter, then, in order to determine whether the party is domiciled in another country, the court shall apply the law of that country.

6. For the purposes of paragraphs 1 and 2, a company or other legal person or association of natural or legal persons is domiciled at the place where it has its—

- (a) statutory seat;
- (b) central administration; or
- (c) principal place of business.

7. For the purposes of Ireland, Cyprus and the United Kingdom, “statutory seat” means the registered office or, where there is no such office anywhere, the place of incorporation or, where there is no such place anywhere, the place under the law of which the formation took place.

8. In order to determine whether a trust is domiciled in the country whose courts are seised of the matter, the court shall apply its rules of private international law.”;

“the 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;

“mediation” and “mediator” have the meanings given by Article 3 of the Directive, except that for the purpose of construing those expressions—

- (a) Article 3(a) is to be read as if for “the law of a Member State” there were substituted “law”; and
- (b) Article 3(b) is to be read as if for “Member State concerned” there were substituted “United Kingdom or the Member State concerned”.

Modification of the Foreign Limitation Periods Act 1984

11.—(1) Section 1A of the Foreign Limitation Periods Act 1984 (extension of limitation periods because of mediation of certain cross-border disputes) is modified as follows.

(2) Subsection (1) is to be read as if for it there were substituted—

“(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 and “mediator” have the meanings given by Article 3 of the Mediation Directive, except that for the purpose of construing those expressions—
 - (i) Article 3(a) is to be read as if for “the law of a Member State” there were substituted “law”, and
 - (ii) Article 3(b) is to be read as if for “Member State concerned” there were substituted “United Kingdom or the Member State concerned”, and
- (c) “relevant dispute” means a dispute within Article 8(1) of the Mediation Directive (certain cross-border disputes), reading Article 8 as if—
 - (i) the obligation imposed on Member States by paragraph (1) were also imposed in relation to the United Kingdom, and
 - (ii) in paragraph (2), for “Member States” there were substituted “the United Kingdom and Member States”.

(1A) In construing the definition of “relevant dispute” in subsection (1)(c), Article 2 of the Mediation Directive (which defines cross-border disputes for the purposes of the Mediation Directive) is to be read as if—

- (a) in paragraph 1 for “in a Member State other than that of any other party” there were substituted “in the United Kingdom, and at least one other party is domiciled or habitually resident in a Member State”,
- (b) in paragraph 2 for “in a Member State” there were substituted “in a country (“country” for these purposes being limited to the United Kingdom or a Member State)”, and
- (c) for paragraph 3 there were substituted—

“**3.** For the purposes of paragraphs 1 and 2, domicile is to be determined in accordance with paragraphs 4 to 8.

4. In order to determine whether a party is domiciled in the country (“country” for these purposes being limited to the United Kingdom or a Member State) whose courts are seised of a matter, the court shall apply its internal law.

5. If a party is not domiciled in the country whose courts are seised of the matter, then, in order to determine whether the party is domiciled in another country, the court shall apply the law of that country.

6. For the purposes of paragraphs 1 and 2, a company or other legal person or association of natural or legal persons is domiciled at the place where it has its—

- (a) statutory seat;
- (b) central administration; or
- (c) principal place of business.

7. For the purposes of Ireland, Cyprus and the United Kingdom, “statutory seat” means the registered office or, where there is no such office anywhere, the place of incorporation or, where there is no such place anywhere, the place under the law of which the formation took place.

8. In order to determine whether a trust is domiciled in the country whose courts are seised of the matter, the court shall apply its rules of private international law.”.

Modification of the Limitation (Northern Ireland) Order 1989

12.—(1) Article 51A of the Limitation (Northern Ireland) Order 1989 (extension of time limits: mediation) is modified as follows.

(2) Paragraph (1)(a) is to be read as if for “relevant cross border dispute” there were substituted “cross-border dispute”.

(3) Paragraph (3) is to be read as if for “relevant cross-border dispute” there were substituted “cross-border dispute”

(4) Paragraph (4) is to be read as if for it there were substituted—

“(4) In this Article—

“cross-border dispute” has the meaning given by Article 2 of the Directive except that—

- (a) paragraph 1 is to be read as if for “in a Member State other than that of any other party” there were substituted “in the United Kingdom, and at least one other party is domiciled or habitually resident in a Member State”;
- (b) paragraph 2 is to be read as if for “in a Member State” there were substituted “in a country (“country” for these purposes being limited to the United Kingdom or a Member State)”; and
- (c) paragraph 3 is to be read as if for it there were substituted—

“3. For the purposes of paragraphs 1 and 2, domicile is to be determined in accordance with paragraphs 4 to 8.

4. In order to determine whether a party is domiciled in the country (“country” for these purposes being limited to the United Kingdom or a Member State) whose courts are seised of a matter, the court shall apply its internal law.

5. If a party is not domiciled in the country whose courts are seised of the matter, then, in order to determine whether the party is domiciled in another country, the court shall apply the law of that country.

6. For the purposes of paragraphs 1 and 2, a company or other legal person or association of natural or legal persons is domiciled at the place where it has its—

- (a) statutory seat;
- (b) central administration; or
- (c) principal place of business.

Status: This is the original version (as it was originally made).

7. For the purposes of Ireland, Cyprus and the United Kingdom, “statutory seat” means the registered office or, where there is no such office anywhere, the place of incorporation or, where there is no such place anywhere, the place under the law of which the formation took place.

8. In order to determine whether a trust is domiciled in the country whose courts are seised of the matter, the court shall apply its rules of private international law.”;

“the 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;

“mediation” and “mediator” have the meanings given by Article 3 of the Directive, except that for the purpose of construing those expressions—

- (a) Article 3(a) is to be read as if for “the law of a Member State” there were substituted “law”; and
- (b) Article 3(b) is to be read as if for “Member State concerned” there were substituted “United Kingdom or the Member State concerned”.”.

Modification of the Employment Rights Act 1996

13.—(1) Section 207A of the Employment Rights Act 1996 (extension of time limits because of mediation in certain cross-border disputes) is modified as follows.

(2) Subsection (1) is to be read as if for it there were substituted—

“(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 and “mediator” have the meanings given by Article 3 of the Mediation Directive, except that for the purpose of construing those expressions—
 - (i) Article 3(a) is to be read as if for “the law of a Member State” there were substituted “law”, and
 - (ii) Article 3(b) is to be read as if for “Member State concerned” there were substituted “United Kingdom or the Member State concerned”, and
- (c) “relevant dispute” means a dispute within Article 8(1) of the Mediation Directive (certain cross-border disputes), reading Article 8 as if—
 - (i) the obligation imposed on Member States by paragraph (1) were also imposed in relation to the United Kingdom; and
 - (ii) in paragraph (2), for “Member States” there were substituted “the United Kingdom and Member States”.

(1A) In construing the definition of “relevant dispute” in subsection (1)(c), Article 2 of the Mediation Directive (which defines cross-border disputes for the purposes of the Mediation Directive) is to be read as if—

- (a) in paragraph 1 for “in a Member State other than that of any other party” there were substituted “in the United Kingdom, and at least one other party is domiciled or habitually resident in a Member State”;
- (b) in paragraph 2 for “in a Member State” there were substituted “in a country (“country” for these purposes being limited to the United Kingdom or a Member State)”; and

(c) for paragraph 3 there were substituted—

“3. For the purposes of paragraphs 1 and 2, domicile is to be determined in accordance with paragraphs 4 to 8.

4. In order to determine whether a party is domiciled in the country (“country” for these purposes being limited to the United Kingdom or a Member State) whose courts are seised of a matter, the court shall apply its internal law.

5. If a party is not domiciled in the country whose courts are seised of the matter, then, in order to determine whether the party is domiciled in another country, the court shall apply the law of that country.

6. For the purposes of paragraphs 1 and 2, a company or other legal person or association of natural or legal persons is domiciled at the place where it has its—

- (a) statutory seat;
- (b) central administration; or
- (c) principal place of business.

7. For the purposes of Ireland, Cyprus and the United Kingdom, “statutory seat” means the registered office or, where there is no such office anywhere, the place of incorporation or, where there is no such place anywhere, the place under the law of which the formation took place.

8. In order to determine whether a trust is domiciled in the country whose courts are seised of the matter, the court shall apply its rules of private international law.”.”.

Modification of the Employment Rights (Northern Ireland) Order 1996

14.—(1) Article 249A of the Employment Rights (Northern Ireland) Order 1996 time limits in relation to certain mediated cross-border disputes) is modified as follows.

(2) Paragraph (1)(a) is to be read as if for “relevant cross border dispute” there were substituted “cross-border dispute”.

(3) Paragraph (3) is to be read as if for “relevant cross-border dispute” there were substituted “cross-border dispute”.

(4) Paragraph (4) is to be read as if for it there were substituted—

“(4) In this Article—

“cross-border dispute” has the meaning given by Article 2 of the Directive except that—

- (a) paragraph 1 is to be read as if for “in a Member State other than that of any other party” there were substituted “in the United Kingdom, and at least one other party is domiciled or habitually resident in a Member State”;
- (b) paragraph 2 is to be read as if for “in a Member State” there were substituted “in a country (“country” for these purposes being limited to the United Kingdom or a Member State)”; and
- (c) paragraph 3 is to be read as if for it there were substituted—

“3. For the purposes of paragraphs 1 and 2, domicile is to be determined in accordance with paragraphs 4 to 8.

Status: This is the original version (as it was originally made).

4. In order to determine whether a party is domiciled in the country (“country” for these purposes being limited to the United Kingdom or a Member State) whose courts are seised of a matter, the court shall apply its internal law.

5. If a party is not domiciled in the country whose courts are seised of the matter, then, in order to determine whether the party is domiciled in another country, the court shall apply the law of that country.

6. For the purposes of paragraphs 1 and 2, a company or other legal person or association of natural or legal persons is domiciled at the place where it has its—

- (a) statutory seat;
- (b) central administration; or
- (c) principal place of business.

7. For the purposes of Ireland, Cyprus and the United Kingdom, “statutory seat” means the registered office or, where there is no such office anywhere, the place of incorporation or, where there is no such place anywhere, the place under the law of which the formation took place.

8. In order to determine whether a trust is domiciled in the country whose courts are seised of the matter, the court shall apply its rules of private international law.”;

“the 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;

“mediation” and “mediator” have the meanings given by Article 3 of the Directive, except that for the purpose of construing those expressions—

- (a) Article 3(a) is to be read as if for “the law of a Member State” there were substituted “law”; and
- (b) Article 3(b) is to be read as if for “Member State concerned” there were substituted “United Kingdom or the Member State concerned”.”.

Modification of the Fair Employment and Treatment (Northern Ireland) Order 1998

15.—(1) Article 46A of the Fair Employment and Treatment (Northern Ireland) Order 1998 (extension of time limits: mediation) is modified as follows.

(2) Paragraph (1)(a) is to be read as if for “relevant cross border dispute” there were substituted “cross-border dispute”.

(3) Paragraph (3) is to be read as if for “relevant cross-border dispute” there were substituted “cross-border dispute”.

(4) Paragraph (4) is to be read as if for it there were substituted—

“(4) In this Article—

“cross-border dispute” has the meaning given by Article 2 of the Directive except that—

- (a) paragraph 1 is to be read as if for “in a Member State other than that of any other party” there were substituted “in the United Kingdom, and at least one other party is domiciled or habitually resident in a Member State”;
- (b) paragraph 2 is to be read as if for “in a Member State” there were substituted “in a country (“country” for these purposes being limited to the United Kingdom or a Member State)”; and

(c) paragraph 3 is to be read as if for it there were substituted—

“3. For the purposes of paragraphs 1 and 2, domicile is to be determined in accordance with paragraphs 4 to 8.

4. In order to determine whether a party is domiciled in the country (“country” for these purposes being limited to the United Kingdom or a Member State) whose courts are seised of a matter, the court shall apply its internal law.

5. If a party is not domiciled in the country whose courts are seised of the matter, then, in order to determine whether the party is domiciled in another country, the court shall apply the law of that country.

6. For the purposes of paragraphs 1 and 2, a company or other legal person or association of natural or legal persons is domiciled at the place where it has its—

- (a) statutory seat;
- (b) central administration; or
- (c) principal place of business.

7. For the purposes of Ireland, Cyprus and the United Kingdom, “statutory seat” means the registered office or, where there is no such office anywhere, the place of incorporation or, where there is no such place anywhere, the place under the law of which the formation took place.

8. In order to determine whether a trust is domiciled in the country whose courts are seised of the matter, the court shall apply its rules of private international law.”;

“the 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;

“mediation” and “mediator” have the meanings given by Article 3 of the Directive, except that for the purpose of construing those expressions—

- (a) Article 3(a) is to be read as if for “the law of a Member State” there were substituted “law”; and
- (b) Article 3(b) is to be read as if for “Member State concerned” there were substituted “United Kingdom or the Member State concerned”.”.

Modification of the Land Registration Act 2002

16.—(1) Paragraph 16 of Schedule 6 to the Land Registration Act 2002 (registration of adverse possessor) is modified as follows.

(2) Sub-paragraph (1) is to be read as if for it there were substituted—

“(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 and “mediator” have the meanings given by Article 3 of the Mediation Directive, except that for the purpose of construing those expressions—
 - (i) Article 3(a) is to be read as if for “the law of a Member State” there were substituted “law”, and
 - (ii) Article 3(b) is to be read as if for “Member State concerned” there were substituted “United Kingdom or the Member State concerned”, and

(c) “relevant dispute” means a dispute within Article 8(1) of the Mediation Directive (certain cross-border disputes), reading Article 8 as if—

- (i) the obligation imposed on Member States by paragraph (1) were also imposed in relation to the United Kingdom, and
- (ii) in paragraph (2), for “Member States” there were substituted “the United Kingdom and Member States”.

(1A) In construing the definition of “relevant dispute” in paragraph (1)(c), Article 2 of the Mediation Directive (which defines cross-border disputes for the purposes of the Mediation Directive) is to be read as if—

- (a) in paragraph 1 for “in a Member State other than that of any other party” there were substituted “in the United Kingdom, and at least one other party is domiciled or habitually resident in a Member State”, and
- (b) in paragraph 2 for “in a Member State” there were substituted “in a country (“country” for these purposes being limited to the United Kingdom or a Member State)”, and
- (c) for paragraph 3 there were substituted—

“3. For the purposes of paragraphs 1 and 2, domicile is to be determined in accordance with paragraphs 4 to 8.

4. In order to determine whether a party is domiciled in the country (“country” for these purposes being limited to the United Kingdom or a Member State) whose courts are seised of a matter, the court shall apply its internal law.

5. If a party is not domiciled in the country whose courts are seised of the matter, then, in order to determine whether the party is domiciled in another country, the court shall apply the law of that country.

6. For the purposes of paragraphs 1 and 2, a company or other legal person or association of natural or legal persons is domiciled at the place where it has its—

- (a) statutory seat;
- (b) central administration; or
- (c) principal place of business.

7. For the purposes of Ireland, Cyprus and the United Kingdom, “statutory seat” means the registered office or, where there is no such office anywhere, the place of incorporation or, where there is no such place anywhere, the place under the law of which the formation took place.

8. In order to determine whether a trust is domiciled in the country whose courts are seised of the matter, the court shall apply its rules of private international law.”.

Modification of the Equality Act 2010

17.—(1) Section 140A of the Equality Act 2010 (extension of time limits because of mediation in certain cross-border disputes) is modified as follows.

(2) Subsection (1) is to be read as if for it there were substituted—

“(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 and “mediator” have the meanings given by Article 3 of the Mediation Directive, except that for the purpose of construing those expressions—

- (i) Article 3(a) is to be read as if for “the law of a Member State” there were substituted “law”, and
 - (ii) Article 3(b) is to be read as if for “Member State concerned” there were substituted “United Kingdom or the Member State concerned”, and
 - (c) “relevant dispute” means a dispute within Article 8(1) of the Mediation Directive (certain cross-border disputes), reading Article 8 as if—
 - (i) the obligation imposed on Member States by paragraph (1) were also imposed in relation to the United Kingdom, and
 - (ii) in paragraph (2), for “Member States” there were substituted “the United Kingdom and Member States”.
- (1A) In construing the definition of “relevant dispute” in subsection (1)(c), Article 2 of the Mediation Directive (which defines cross-border disputes for the purposes of the Mediation Directive) is to be read as if—
- (a) in paragraph 1 for “in a Member State other than that of any other party” there were substituted “in the United Kingdom, and at least one other party is domiciled or habitually resident in a Member State”, and
 - (b) in paragraph 2 for “in a Member State” there were substituted “in a country (“country” for these purposes being limited to the United Kingdom or a Member State)”, and
 - (c) for paragraph 3 there were substituted—
 - “3. For the purposes of paragraphs 1 and 2, domicile is to be determined in accordance with paragraphs 4 to 8.
 - 4. In order to determine whether a party is domiciled in the country (“country” for these purposes being limited to the United Kingdom or a Member State) whose courts are seised of a matter, the court shall apply its internal law.
 - 5. If a party is not domiciled in the country whose courts are seised of the matter, then, in order to determine whether the party is domiciled in another country, the court shall apply the law of that country.
 - 6. For the purposes of paragraphs 1 and 2, a company or other legal person or association of natural or legal persons is domiciled at the place where it has its—
 - (a) statutory seat;
 - (b) central administration; or
 - (c) principal place of business.
 - 7. For the purposes of Ireland, Cyprus and the United Kingdom, “statutory seat” means the registered office or, where there is no such office anywhere, the place of incorporation or, where there is no such place anywhere, the place under the law of which the formation took place.
 - 8. In order to determine whether a trust is domiciled in the country whose courts are seised of the matter, the court shall apply its rules of private international law.”.

PART 2

Modification of subordinate legislation

Modification of the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994

18.—(1) Article 8A of the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 (extension of time limits because of mediation in certain cross-border disputes) is modified as follows.

(2) Paragraph (1) is to be read as if for it there were substituted—

“(1) In this article—

- (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” and “mediator” have the meanings given by Article 3 of the Mediation Directive, except that for the purpose of construing those expressions—
 - (i) Article 3(a) is to be read as if for “the law of a Member State” there were substituted “law”; and
 - (ii) Article 3(b) is to be read as if for “Member State concerned” there were substituted “United Kingdom or the Member State concerned”;
- (c) “relevant dispute” means a dispute within Article 8(1) of the Mediation Directive (certain cross-border disputes), reading Article 8 as if—
 - (i) the obligation imposed on Member States by paragraph (1) were also imposed in relation to the United Kingdom; and
 - (ii) in paragraph (2), for “Member States” there were substituted “the United Kingdom and Member States”.

(1A) In construing the definition of “relevant dispute” in paragraph (1)(c), Article 2 of the Mediation Directive (which defines cross-border disputes for the purposes of the Mediation Directive) is to be read as if—

- (a) in paragraph 1 for “in a Member State other than that of any other party” there were substituted “in the United Kingdom, and at least one other party is domiciled or habitually resident in a Member State”;
- (b) in paragraph 2 for “in a Member State” there were substituted “in a country (“country” for these purposes being limited to the United Kingdom or a Member State)”;
- (c) for paragraph 3 there were substituted—

“**3.** For the purposes of paragraphs 1 and 2, domicile is to be determined in accordance with paragraphs 4 to 8.

4. In order to determine whether a party is domiciled in the country (“country” for these purposes being limited to the United Kingdom or a Member State) whose courts are seised of a matter, the court shall apply its internal law.

5. If a party is not domiciled in the country whose courts are seised of the matter, then, in order to determine whether the party is domiciled in another country, the court shall apply the law of that country.

6. For the purposes of paragraphs 1 and 2, a company or other legal person or association of natural or legal persons is domiciled at the place where it has its—

- (a) statutory seat;
- (b) central administration; or
- (c) principal place of business.

7. For the purposes of Ireland, Cyprus and the United Kingdom, “statutory seat” means the registered office or, where there is no such office anywhere, the place of incorporation or, where there is no such place anywhere, the place under the law of which the formation took place.

8. In order to determine whether a trust is domiciled in the country whose courts are seised of the matter, the court shall apply its rules of private international law.”.

Modification of the Employment Tribunals Extension of Jurisdiction (Scotland) Order 1994

19.—(1) Article 8A of the Employment Tribunals Extension of Jurisdiction (Scotland) Order 1994 (extension of time limits because of mediation in certain cross-border disputes) is modified as follows.

(2) Paragraph (1) is to be read as if for it there were substituted—

“(1) In this article—

- (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” and “mediator” have the meanings given by Article 3 of the Mediation Directive, except that for the purpose of construing those expressions—
 - (i) Article 3(a) is to be read as if for “the law of a Member State” there were substituted “law”;
 - (ii) Article 3(b) is to be read as if for “Member State concerned” there were substituted “United Kingdom or the Member State concerned”;
- (c) “relevant dispute” means a dispute within Article 8(1) of the Mediation Directive (certain cross-border disputes), reading Article 8 as if—
 - (i) the obligation imposed on Member States by paragraph (1) were also imposed in relation to the United Kingdom; and
 - (ii) in paragraph (2), for “Member States” there were substituted “the United Kingdom and Member States”.

(1A) In construing the definition of “relevant dispute” in paragraph (1)(c), Article 2 of the Mediation Directive (which defines cross-border disputes for the purposes of the Mediation Directive) is to be read as if—

- (a) in paragraph 1 for “in a Member State other than that of any other party” there were substituted “in the United Kingdom, and at least one other party is domiciled or habitually resident in a Member State”;
- (b) in paragraph 2 for “in a Member State” there were substituted “in a country (“country” for these purposes being limited to the United Kingdom or a Member State)”;
- (c) for paragraph 3 there were substituted—

Status: This is the original version (as it was originally made).

“3. For the purposes of paragraphs 1 and 2, domicile is to be determined in accordance with paragraphs 4 to 8.

4. In order to determine whether a party is domiciled in the country (“country” for these purposes being limited to the United Kingdom or a Member State) whose courts are seised of a matter, the court shall apply its internal law.

5. If a party is not domiciled in the country whose courts are seised of the matter, then, in order to determine whether the party is domiciled in another country, the court shall apply the law of that country.

6. For the purposes of paragraphs 1 and 2, a company or other legal person or association of natural or legal persons is domiciled at the place where it has its—

- (a) statutory seat;
- (b) central administration; or
- (c) principal place of business.

7. For the purposes of Ireland, Cyprus and the United Kingdom, “statutory seat” means the registered office or, where there is no such office anywhere, the place of incorporation or, where there is no such place anywhere, the place under the law of which the formation took place.

8. In order to determine whether a trust is domiciled in the country whose courts are seised of the matter, the court shall apply its rules of private international law.”.”.

Modification of the Working Time Regulations 1998

20.—(1) Regulation 30A of the Working Time Regulations 1998 (extension of time limits because of mediation in certain cross-border disputes) is modified as follows.

(2) Paragraph (1) is to be read as if for it there were substituted—

“(1) In this regulation—

- (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” and “mediator” have the meanings given by Article 3 of the Mediation Directive, except that for the purpose of construing those expressions—
 - (i) Article 3(a) is to be read as if for “the law of a Member State” there were substituted “law”;
 - (ii) Article 3(b) is to be read as if for “Member State concerned” there were substituted “United Kingdom or the Member State concerned”; and
- (c) “relevant dispute” means a dispute within Article 8(1) of the Mediation Directive (certain cross-border disputes), reading Article 8 as if—
 - (i) the obligation imposed on Member States by paragraph (1) were also imposed in relation to the United Kingdom; and
 - (ii) in paragraph (2), for “Member States” there were substituted “the United Kingdom and Member States”.

(1A) In construing the definition of “relevant dispute” in paragraph (1)(c), Article 2 of the Mediation Directive (which defines cross-border disputes for the purposes of the Mediation Directive) is to be read as if—

- (a) in paragraph 1 for “in a Member State other than that of any other party” there were substituted “in the United Kingdom, and at least one other party is domiciled or habitually resident in a Member State”;
- (b) in paragraph 2 for “in a Member State” there were substituted “in a country (“country” for these purposes being limited to the United Kingdom or a Member State)”;
- (c) for paragraph 3 there were substituted—

“3. For the purposes of paragraphs 1 and 2, domicile is to be determined in accordance with paragraphs 4 to 8.

4. In order to determine whether a party is domiciled in the country (“country” for these purposes being limited to the United Kingdom or a Member State) whose courts are seised of a matter, the court shall apply its internal law.

5. If a party is not domiciled in the country whose courts are seised of the matter, then, in order to determine whether the party is domiciled in another country, the court shall apply the law of that country.

6. For the purposes of paragraphs 1 and 2, a company or other legal person or association of natural or legal persons is domiciled at the place where it has its—

- (a) statutory seat;
- (b) central administration; or
- (c) principal place of business.

7. For the purposes of Ireland, Cyprus and the United Kingdom, “statutory seat” means the registered office or, where there is no such office anywhere, the place of incorporation or, where there is no such place anywhere, the place under the law of which the formation took place.

8. In order to determine whether a trust is domiciled in the country whose courts are seised of the matter, the court shall apply its rules of private international law.”.

Modification of the Land Registration Rules 2003

21.—(1) Schedule 8 to the Land Registration Rules 2003 (modified form of Schedule 6 to the Act applicable to registered rentcharges; registration of adverse possessor) is modified as follows.

(2) Paragraph 13 (extension of time limits because of mediation in certain cross-border disputes) is to be read as if for sub-paragraph (1) there were substituted—

“(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” and “mediator” have the meanings given by Article 3 of the Mediation Directive, except that for the purpose of construing those expressions—
 - (i) Article 3(a) is to be read as if for “the law of a Member State” there were substituted “law”;
 - (ii) Article 3(b) is to be read as if for “Member State concerned” there were substituted “United Kingdom or the Member State concerned”;
- (c) “relevant dispute” means a dispute within Article 8(1) of the Mediation Directive (certain cross-border disputes), reading Article 8 as if—

Status: This is the original version (as it was originally made).

- (i) the obligation imposed on Member States by paragraph (1) were also imposed in relation to the United Kingdom; and
 - (ii) in paragraph (2), for “Member States” there were substituted “the United Kingdom and Member States”.
- (1A) In construing the definition of “relevant dispute” in paragraph (1)(c), Article 2 of the Mediation Directive (which defines cross-border disputes for the purposes of the Mediation Directive) is to be read as if—
- (a) in paragraph 1 for “in a Member State other than that of any other party” there were substituted “in the United Kingdom, and at least one other party is domiciled or habitually resident in a Member State”;
 - (b) in paragraph 2 for “in a Member State” there were substituted “in a country (“country” for these purposes being limited to the United Kingdom or a Member State)”;
 - (c) for paragraph 3 there were substituted—
 - “3. For the purposes of paragraphs 1 and 2, domicile is to be determined in accordance with paragraphs 4 to 8.
 - 4. In order to determine whether a party is domiciled in the country (“country” for these purposes being limited to the United Kingdom or a Member State) whose courts are seised of a matter, the court shall apply its internal law.
 - 5. If a party is not domiciled in the country whose courts are seised of the matter, then, in order to determine whether the party is domiciled in another country, the court shall apply the law of that country.
 - 6. For the purposes of paragraphs 1 and 2, a company or other legal person or association of natural or legal persons is domiciled at the place where it has its—
 - (a) statutory seat;
 - (b) central administration; or
 - (c) principal place of business.
 - 7. For the purposes of Ireland, Cyprus and the United Kingdom, “statutory seat” means the registered office or, where there is no such office anywhere, the place of incorporation or, where there is no such place anywhere, the place under the law of which the formation took place.
 - 8. In order to determine whether a trust is domiciled in the country whose courts are seised of the matter, the court shall apply its rules of private international law.”.

Modification of the Working Time Regulations (Northern Ireland) 2016

22.—(1) Regulation 44 of the Working Time Regulations (Northern Ireland) 2016 (extension of time limits because of mediation in certain cross-border disputes) is modified as follows.

(2) Paragraph (1) is to be read as if for it there were substituted—

“(1) In this regulation—

“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;

“mediation and “mediator” have the meanings given by Article 3 of the Mediation Directive, except that for the purpose of construing those expressions—

(a) Article 3(a) is to be read as if for “the law of a Member State” there were substituted “law”;

(b) Article 3(b) is to be read as if for “Member State concerned” there were substituted “United Kingdom or the Member State concerned”;

“relevant dispute” means a dispute within Article 8(1) of the Mediation Directive (certain cross-border disputes), reading Article 8 as if—

(a) the obligation imposed on Member States by paragraph (1) were also imposed in relation to the United Kingdom; and

(b) in paragraph (2), for “Member States” there were substituted “the United Kingdom and Member States”.

(1A) In construing the definition of “relevant dispute” in paragraph (1), Article 2 of the Mediation Directive (which defines cross-border disputes for the purposes of the Mediation Directive) is to be read as if—

(a) in paragraph 1 for “in a Member State other than that of any other party” there were substituted “in the United Kingdom, and at least one other party is domiciled or habitually resident in a Member State”;

(b) in paragraph 2 for “in a Member State” there were substituted “in a country (“country” for these purposes being limited to the United Kingdom or a Member State)”; and

(c) for paragraph 3 there were substituted—

“3. For the purposes of paragraphs 1 and 2, domicile is to be determined in accordance with paragraphs 4 to 8.

4. In order to determine whether a party is domiciled in the country (“country” for these purposes being limited to the United Kingdom or a Member State) whose courts are seised of a matter, the court shall apply its internal law.

5. If a party is not domiciled in the country whose courts are seised of the matter, then, in order to determine whether the party is domiciled in another country, the court shall apply the law of that country.

6. For the purposes of paragraphs 1 and 2, a company or other legal person or association of natural or legal persons is domiciled at the place where it has its—

(a) statutory seat;

(b) central administration; or

(c) principal place of business.

7. For the purposes of Ireland, Cyprus and the United Kingdom, “statutory seat” means the registered office or, where there is no such office anywhere, the place of incorporation or, where there is no such place anywhere, the place under the law of which the formation took place.

8. In order to determine whether a trust is domiciled in the country whose courts are seised of the matter, the court shall apply its rules of private international law.”.