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STATUTORY INSTRUMENTS

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**2011 No. 1133**

The Cross-Border Mediation (EU Directive) Regulations 2011

PART 4

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

**Amendments to the Employment Tribunals Extension of Jurisdiction (England and Wales)  
Order 1994**

**59.** The Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994(1) is amended as follows.

**60.** In article 7(2), for “An employment tribunal”, substitute “Subject to article 8A, an employment tribunal”.

**61.** In article 8(3), for “An employment tribunal”, substitute “Subject to article 8A, an employment tribunal”.

**62.** After article 8, insert—

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

**8A.—**(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” 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) Paragraph (3) applies where—

- (a) a time limit is set by article 7(a) or (b) 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 article, the time limit would expire before the mediation ends or less than four weeks after it ends.

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(1) [S.I. 1994/1623](#). The title to the instrument was amended by the Employment Rights (Dispute Resolution) Act 1998, section 1(2)(b).

(2) Article 7 was amended by the Employment Rights (Dispute Resolution) Act 1998, section 1(2)(a).

(3) Article 8 was amended by the Employment Rights (Dispute Resolution) Act 1998, section 1(2)(a).

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

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

(5) Paragraph (6) applies where—

- (a) a time limit is set by article 8(c)(i) 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 article the time limit would expire before the mediation ends or less than two weeks after it ends.

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

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

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

(9) For the purposes of this article, 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 article, 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; or
- (e) the mediation otherwise comes to an end pursuant to the terms of the agreement to mediate.

(11) For the purpose of paragraph (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 article 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 the tribunal has the power under article 7(c) or 8(c)(ii) to extend a period of limitation, the power is exercisable in relation to the period of limitation as extended by this article.”

## **Amendments to the Employment Tribunals Extension of Jurisdiction (Scotland) Order 1994**

**63.**—(1) The Employment Tribunals Extension of Jurisdiction (Scotland) Order 1994(4) is amended as follows.

**64.** In article 7(5), for “An employment tribunal”, substitute “Subject to article 8A, an employment tribunal”.

**65.** In article 8(6), for “An employment tribunal”, substitute “Subject to article 8A, an employment tribunal”.

**66.** After article 8, insert—

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

**8A.**—(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” has the meaning given by article 3(a) of the Mediation Directive; and
- (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) Paragraph (3) applies where—

- (a) a time limit is set by article 7(a) or (b) 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 article, 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 paragraph (4)).

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

(5) Paragraph (6) applies where—

- (a) a time limit is set by article 8(c)(i) 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 article, the time limit would expire before the mediation ends or less than two weeks after it ends.

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

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(4) [S.S.I. 1994/1624](#). The title to the instrument was amended by the Employment Rights (Dispute Resolution) Act 1998, section 1(2)(b).

(5) Article 7 was amended by the Employment Rights (Dispute Resolution) Act 1998, section 1(2)(a) and by the Employment Act 2002 (Dispute Resolution) Regulations 2004 ([S.I. 2004/752](#)).

(6) Article 8 was amended by the Employment Rights (Dispute Resolution) Act 1998, section 1(2)(a).

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

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

(9) For the purposes of this article, 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 article, 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; or
- (e) the mediation otherwise comes to an end pursuant to the terms of the agreement to mediate.

(11) For the purpose of paragraph (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 article 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 the tribunal has the power under article 7(c) or 8(c)(ii) to extend a period of limitation, the power is exercisable in relation to the period of limitation period as extended by this article.”.

### **Amendments to the Working Time Regulations 1998**

**67.**—(1) The Working Time Regulations 1998(7) are amended as follows.

**68.** In regulation 30(2) (Remedies), for “An employment tribunal”, substitute “Subject to article 30A, an employment tribunal”.

**69.** After regulation 30, insert—

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

**30A.**—(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” 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) Paragraph (3) applies where—
- (a) a three month time limit is set by regulation 30(2) 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 regulation, 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 paragraph (4)).
- (4) If a time limit mentioned in paragraph (2)(a) has been extended by this article, paragraphs (2) and (3) apply to the extended time limit as they apply to a time limit mentioned in paragraph (2)(a).
- (5) Where more than one time limit applies in relation to a relevant dispute, the extension by paragraph (3) of one of those time limits does not affect the others.
- (6) For the purposes of this regulation, 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 regulation, 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; or
  - (e) the mediation otherwise comes to an end pursuant to the terms of the agreement to mediate.
- (8) For the purpose of 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 regulation 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) Where the tribunal has the power under regulation 30(2)(b) to extend a period of limitation, the power is exercisable in relation to the period of limitation as extended by this regulation.”.

### **Amendments to the Land Registration Rules 2003**

- 70.** Schedule 8 to the Land Registration Rules 2003(8) is amended as follows.
- 71.** In paragraph 1(1), for “A person”, substitute “Subject to paragraph 13, a person”.
- 72.** After paragraph 6(1), insert—
- “(1A) Sub-paragraph (1) is subject to paragraph 13.”.
- 73.** After paragraph 12, insert—

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

**13.—(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 paragraphs 1(1) 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 the mediation ends.

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

(4) If a period mentioned in sub-paragraph (2)(a) 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; or
- (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.”.