
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular under section 8(2)(a), (c) and (d) of that Act) arising from the withdrawal of the UK from the European Union.

These Regulations revoke the Cross-Border Mediation (EU Directive) Regulations 2011 and the Cross-Border Mediation Regulations (Northern Ireland) 2011 (together “the 2011 Regulations”), subject to saving and transitional provision.

The 2011 Regulations partially implemented 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 (“the Mediation Directive”) in the United Kingdom. (Scotland made provision implementing the Mediation Directive in respect of non-reserved matters in the Cross-Border Mediation (Scotland) Regulations 2011, which these Regulations do not affect).

These Regulations also make amendments to provision which implemented the Mediation Directive relating to limitation periods (in Schedule 1 to these Regulations). The effect of regulation 5 read with Schedule 2 is to enable the continued application, with modification, of the provision amended by Schedule 1 to mediations begun before exit day.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Ministry of Justice, 102 Petty France, London SW1H 9AJ and is published with an Explanatory Memorandum alongside this instrument on <https://legislation.gov.uk>.