
STATUTORY RULES OF NORTHERN IRELAND

2011 No. 157

**The Cross-Border Mediation
Regulations (Northern Ireland) 2011**

Amendment of the Domestic Proceedings (Northern Ireland) Order 1980

8.—(1) The Domestic Proceedings (Northern Ireland) Order 1980(1) is amended in accordance with paragraphs (2) and (3).

(2) In Article 35(1), for “paragraph (2),” substitute “paragraph (2), and subject to Article 35A,”.

(3) After Article 35 insert—

“Extension of time limit: mediation

35A.—(1) Paragraph (2) applies where—

- (a) there is mediation in relation to a relevant cross border dispute giving rise to an application for an order under Article 4; and
- (b) the period of 1 year referred to in Article 35 (“the limitation period”) would, apart from this Article, expire—
 - (i) in the period of 8 weeks after the date on which the mediation ends;
 - (ii) on the date on which the mediation ends; or
 - (iii) after the date on which all of the parties to the dispute agree to participate in the mediation but before the date on which the mediation ends.

(2) Where this paragraph applies, the limitation period is extended so that it expires on the date falling 8 weeks after the date on which the mediation ends.

(3) For the purposes of paragraph (1) and (2), a mediation in relation to a relevant cross-border dispute ends on the date of the first of these to occur—

- (a) all of the parties reach an agreement in resolution of the dispute;
- (b) all of the parties agree to end the mediation;
- (c) a party notifies all of the other parties of that party’s withdrawal,
- (d) a period of 14 days expires after a request made by one party to another party for confirmation of whether the other party has withdrawn and the other party does not respond in that period, or
- (e) a period of 14 days expires after the date on which the mediator’s tenure ends (by reason of death, resignation or otherwise) and a replacement mediator has not been appointed in that period.

(4) In this Article—

“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; and
“relevant cross-border dispute” means a cross-border dispute within the meaning given by Article 2 of the Directive.”.