
STATUTORY INSTRUMENTS

2011 No. 1133

The Cross-Border Mediation (EU Directive) Regulations 2011

PART 2

Mediation Evidence

Mediation Evidence

9. Subject to regulation 10, a mediator or a mediation administrator has the right to withhold mediation evidence in civil and commercial judicial proceedings and arbitration.

10. A court may order that a mediator or a mediation administrator must give or disclose mediation evidence where—

- (a) all parties to the mediation agree to the giving or disclosure of the mediation evidence;
- (b) the giving or disclosure of the mediation evidence is necessary for overriding considerations of public policy, in accordance with article 7(1)(a) of the Mediation Directive; or
- (c) the mediation evidence relates to the mediation settlement, and the giving or disclosure of the mediation settlement is necessary to implement or enforce the mediation settlement agreement.