
STATUTORY INSTRUMENTS

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 (Scotland) Order 1994

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)).

(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.”.