



Defamation and Malicious Publication (Scotland) Act 2021

2021 asp 10

PART 3

GENERAL

Limitation

33 Interruption of limitation period: mediation

After section 19CA of the Prescription and Limitation (Scotland) Act 1973 (interruption of limitation period: arbitration) insert—

“19CB Interruption of section 18A(1) limitation period: mediation

- (1) In any computation of the period specified in section 18A(1), any period of mediation in relation to a relevant matter is to be disregarded.
- (2) For the purposes of this section, a period of mediation—
 - (a) begins on the day on which a mediator is appointed by the parties, and
 - (b) ends on such day as the parties may agree or, otherwise, on the day—
 - (i) on which a party notifies another party that they are withdrawing from the mediation,
 - (ii) which falls 14 days after the day on which a party makes a request for confirmation that another party is continuing with the mediation (and no response has been received), or
 - (iii) which falls 14 days after the day on which the mediator resigns or dies or otherwise becomes incapable of acting (and no replacement has been appointed).
- (3) In this section—

“mediation” means a structured process, whereby two or more parties to a dispute attempt, with the assistance of a mediator, to resolve or reduce

Status: This is the original version (as it was originally enacted).

disagreement between or among them with a view to resolution of the dispute without recourse to court,

“mediator” means an independent person who is appointed by the parties to conduct a mediation, whether or not for remuneration, in an effective, impartial, and competent way,

“party” means a party to the mediation, and

“relevant matter” means a matter to which a limitation period applies by virtue of section 18A(1).”