



Employment Rights Act 1996

1996 CHAPTER 18

PART XIII

MISCELLANEOUS

CHAPTER II

OTHER MISCELLANEOUS MATTERS

^{F1}Mediation in certain cross-border dispute

Textual Amendments

- F1** [S. 207A](#) and cross-heading inserted (20.5.2011 with application as mentioned in regs. 3 and 4 of the amending S.I.) by [The Cross-Border Mediation \(EU Directive\) Regulations 2011 \(S.I. 2011/1133\)](#), [regs. 2, 48](#)

207A Extension of time limits because of mediation in certain cross-border disputes

(1) In this section—

- (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,
- (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) Subsection (3) applies where—

Status: Point in time view as at 20/05/2011.

Changes to legislation: Employment Rights Act 1996, Cross Heading: Mediation in certain cross-border dispute is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) this Act provides for that subsection to apply for the purposes of a provision of this Act,
 - (b) a time limit is set by that provision in relation to the whole or part of a relevant dispute,
 - (c) a mediation in relation to the relevant dispute starts before the time limit expires, and
 - (d) if not extended by this section, 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 subsection (4)).
- (4) If a time limit mentioned in subsection (2)(b) has been extended by this section, subsections (2) and (3) apply to the extended time limit as they apply to a time limit mentioned in subsection (2)(b).
- (5) Subsection (6) applies where—
- (a) a time limit is set by section 164(1)(c) or (2) 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 section, the time limit would expire before the mediation ends or less than eight weeks after it ends.
- (6) The time limit expires instead at the end of eight weeks after the mediation ends (subject to subsection (7)).
- (7) If a time limit mentioned in subsection (5)(a) has been extended by this section, subsections (5) and (6) apply to the extended time limit as they apply to a time limit mentioned in subsection (5)(a).
- (8) Where more than one time limit applies in relation to a relevant dispute, the extension by subsection (3) or (6) of one of those time limits does not affect the others.
- (9) For the purposes of this section, 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 section, 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,
 - (e) the mediation otherwise comes to an end pursuant to the terms of the agreement to mediate.
- (11) For the purpose of subsection (10), a qualifying request is a request by a party that another (A) confirm to all parties that A is continuing with the mediation.

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- (12) In the case of any relevant dispute, references in this section 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 an employment tribunal has power under this Act to extend a time limit to which subsection (3) applies, the power is exercisable in relation to the time limit as extended by this section.]

Status:

Point in time view as at 20/05/2011.

Changes to legislation:

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