
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 234

The Cross-Border Mediation (Scotland) Regulations 2011

Extensions to prescription and limitation periods under the Prescription and Limitation (Scotland) Act 1973

5.—(1) Section 14 (computation of prescriptive periods)(1) is amended as follows.

(2) After subsection (1) insert—

“(1A) The prescriptive period calculated in relation to a relevant cross-border dispute for the purposes of any provision of this Part of this Act is extended where the last day of the period would, apart from this subsection, fall—

- (a) in the 8 weeks after the date that a mediation in relation to the dispute ends;
- (b) on the date that a mediation in relation to the dispute ends; or
- (c) after the date when all of the parties to the dispute agree to participate in a mediation in relation to the dispute but before the date that such mediation ends.

(1B) Where subsection (1A) applies, the prescriptive period is extended so that it expires on the date falling 8 weeks after the date on which the mediation ends.

(1C) For the purposes of subsections (1A) and (1B), a mediation ends on the date that any of the following occurs—

- (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 withdraws from the mediation, which is the date on which—
 - (i) a party informs all of the other parties of that party’s withdrawal,
 - (ii) in the case of a mediation involving 2 parties, 14 days expire after a request made by one party to the other party for confirmation of whether the other party has withdrawn, if the other party does not respond in that period, or
 - (iii) in the case of a mediation involving more than 2 parties, a party informs all of the remaining parties that the party received no response in the 14 days after a request to another party for confirmation of whether the other party had withdrawn; or
- (d) a period of 14 days expires after the date on which the mediator’s tenure ends (by reason of death, resignation or otherwise), if a replacement mediator has not been appointed.”.

(3) In subsection (2)—

(a) after “In this section” insert—

“—

(1) Section 14 was amended by section 6(1) and paragraph 6 of Schedule 1 to the Prescription and Limitation (Scotland) Act 1984 (c.45).

“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;” and

(b) after “1971” insert—

“.

“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—

- (a) which is about a right or obligation to which a prescriptive period applies by virtue of this Part of this Act; and
- (b) to which the Directive applies.”.