

Mediation Act 2017

The Mediation Act 2017 was enacted on 2 October, 2017. The Act contains provisions for a comprehensive statutory framework to promote the resolution of disputes through mediation as an alternative to court proceedings. The underlying objective of the Act is to promote mediation as a viable, effective and efficient alternative to court proceedings, thereby reducing legal costs, speeding up the resolution of disputes and reducing the stress and acrimony which often accompanies court proceedings.

Main provisions of the Act

The Act:

- introduces an obligation on solicitors and barristers to advise parties to disputes to consider using mediation as a means of resolving them;
- provides that a court may, on its own initiative or on the initiative of the parties invite the parties to consider mediation as a means of resolving the dispute;
- contains general principles for the conduct of mediation by qualified mediators;
- provides that communications between parties during mediation shall be confidential;
- provides for the possible future establishment of a Mediation Council to oversee development of the sector;
- provides for the introduction of codes of practice for the conduct of mediation by qualified mediators.