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Mediation

Scotland

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Article 10 - Information on competent courts or authorities

The Cross-Border Mediation (Scotland) Regulations 2011 implement Directive 2008/52/EC on certain aspects of mediation in civil and commercial matters. This Directive allows mediation agreements to be made enforceable in Member States. The Scottish Regulations apply to “cross-border” disputes (i.e. where at least one party to a dispute is domiciled or habitually resident in a Member State other than that of another party) in respect of certain civil and commercial matters.

If you wish to enforce the content of a mediation agreement in Scotland, either of the following procedures may be followed:

- You can apply to the Court of Session or a Sheriff Court to ask the Court to “interpone” its authority to the mediated agreement. This will change the agreement into a court order.
- Alternatively, self-proving written agreements can be registered for execution in the Books of Council and Session or in Sheriff Court Books. To register the agreement in the Books of Council and Session, you should apply to the Keeper of the Registers of Scotland. Information on the Books of Council and Session is available [here](#). When an agreement is registered for execution, the document becomes an authentic instrument.

Agreements that have been endorsed by the Court or registered by either of the methods outlined above may be enforceable in other EU Member States.

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