Family mediation

Irlanda

The Mediation Act 2017 does not cover cross-border mediations specifically, and mediation under the Act is voluntary in all cases. If cross-border family mediation is undertaken in Ireland, then the provisions of the Act apply.

The Mediation Act 2017 http://www.irishstatutebook.ie/eli/2017/act/27/enacted/en/html came into operation on 1 January, 2018. 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.

The Act:

contains general principles for the conduct of mediation by qualified mediators – sections 6 to 8;

provides for the introduction of codes of practice for the conduct of mediation by qualified mediators – section 9.

provides that communications between parties during mediation shall be confidential – section 10;

provides for the possible future establishment of a Mediation Council to oversee development of the sector – section 12;

introduces an obligation on solicitors and barristers to advise parties to disputes to consider using mediation as a means of resolving them – Sections 14 and 15:

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 – Section 16;

provides for the effect of mediation on limitation and prescription periods – section 18;

provides that a court may, in awarding costs in respect of proceedings referred to in section 16 of the Act, where it considers it just, have regard to any unreasonable refusal or failure by a party to the proceedings to consider using mediation or any unreasonable refusal of failure of a party to attend mediation following an invitation by the court to do so under section 16 – sections 20 and 21;

The scope of the Act includes all civil proceedings that may be instituted before a court save for certain exceptions provided for in section 3 of the Act.

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