In the field of civil justice, pending procedures and proceedings initiated before the end of the transition period will continue under EU law. The e-Justice Portal, on the basis of a mutual agreement with the UK, will maintain the relevant information related to the United Kingdom until the end of 2024.

Mediation in EU countries

Northern Ireland

Rather than going to court, why not try to solve your dispute through alternative dispute resolution (ADR)? ADR, which includes mediation, conciliation and arbitration, allows parties in dispute to engage independent support to assist them in reaching agreement. ADR facilitates self-determination and when used in appropriate cases can give rise to genuine consent and sustainable workable agreements between parties. It can also be less stressful and cheaper than court proceedings.

Who to contact?

No one government department or body has responsibility for the promotion and development of ADR in Northern Ireland but the advantages are widely recognised and there are a number of private, voluntary and community organisations which provide ADR services. More information can be found in the information booklet Alternatives to Court in Northern Ireland.

In which area is recourse to mediation admissible and/or the most common?

ADR can be used in a wide range of civil/commercial disputes including business, workplace and employment disputes, contractual and debt claims, small claims, housing, boundary disputes and community disputes. It can also be used in family disputes such as disagreements between parents or members of the extended family about arrangements for children following the breakdown of a marriage or relationship.

Are there specific rules to follow?

There is no legal requirement to use ADR in Northern Ireland and process to be applied is not specified statutorily but the courts are supportive and will encourage its use in appropriate cases. Courts also likely to permit adjournment of cases where it appears issues could be resolved through ADR.

Information and training

Training and accreditation is not regulated by government. Qualifications and experience are a matter for the service provider although a number of practitioners are members of professional bodies for which training and continuing professional development is a prerequisite to membership and accreditation. Requirements vary across providers. Further information can be obtained from service provider websites.

What is the cost of mediation?

The cost of ADR is not regulated and varies by provider. Some mediation is publicly funded. The Department of Health, Social Services and Public Safety currently provide some funding for pre-court mediation in family disputes. The Northern Ireland Legal Services Commission has also met the cost of some mediation from legal aid funds.

Is it possible to enforce an agreement resulting from mediation?

Parties who have reached an agreement through mediation may be able to apply to the court to have it made into a legally binding and enforceable "consent order" if the court is satisfied as to the fairness of the agreement reached.

Directive 2008/52EC implemented under the Cross-Border Mediation Regulations (NI) 2011 (SR 2011 No. 157) allows those involved in a cross-border dispute, where one party is domiciled in a Member State at the time of the dispute to request that a written agreement arising from mediation be made enforceable. For Northern Ireland details of competent courts to receive such requests are available from the Northern Ireland Courts and Tribunals Service.

Related Links

NI Direct

Familysupport NI

Family Mediation NI

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