Yksityisoikeuden alalla ennen siirtymäkauden päättymistä meneillään olevat menettelyt ja vireille pannut oikeudenkäynnit jatkuvat EU:n lainsäädännön mukaisesti. Yhdistyneen kuningaskunnan kanssa yhteisesti sovitun mukaisesti Yhdistynyttä kuningaskuntaa koskevat tiedot säilytetään Euroopan oikeusportaalissa vuoden 2024 loppuun.

Mediation in EU countries

Skotlanti

Mediation can be a practical alternative to going to court or a tribunal. It involves a third party mediator who helps people to agree a solution when there is a dispute. It is a flexible and voluntary process that can be used to settle disputes in a whole range of situations. If parties are unable to reach agreement they can still go to court. The Government and justice practitioners in Scotland recognise the potential advantages of mediation. The Scottish Government provides funding to the Scottish Mediation Network, which acts as a professional body for mediators in Scotland, and promotes a wider understanding of the appropriate use of mediation and other related forms of conflict management and prevention.

Who to contact?

The Civil Law and Legal Systems Division in the Justice Directorate of the Scottish Government is responsible for mediation in the civil justice system in Scotland.

Relevant addresses on mediation:

Scottish Mediation, 18 York Place, Edinburgh, EH1 3EP

SACRO (Safeguarding Communities Reducing Offending), 29 Albany Street, Edinburgh EH1 3QN

Scottish Community Mediation Centre 23 Dalmeny Street, Edinburgh EH6 8PG

Relationships Scotland, 18 York Place, Edinburgh, EH1 3EP

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

Recourse to mediation is admissible in all areas of law. It is most commonly used in family conflicts and neighbourhood disputes. Increasingly, commercial and business differences are referred for mediation. Mediation must be offered in disputes about **additional support needs**, and conciliation must be available in **disability discrimination claims**.

Are there specific rules to follow?

The emerging mediation profession in Scotland does not have a mandatory regulatory framework. Nor is it a prerequisite to initiating certain types of court proceedings. Mediation is entirely voluntary.

However, there is a **code of conduct** for mediation in Scotland. The code takes into consideration the various areas of specialisation: such as family law, medicine, and construction. The Scottish Government has given its support to the work of the (SMN) and the development of the Scottish Mediation Register (SMR). All members of the SMN are required to observe the code of conduct for mediation in Scotland. Those mediators and mediation services appearing on the SMR may also demonstrate higher standards. The websites for both these initiatives are free to access and well used, and mediators must observe the code if they are to appear on the sites.

How you can access information on mediation

Information on mediation is available on the website of the Scottish Mediation Network (SMN), and the Scottish Mediation Register (SMR) provides information about finding a mediator in Scotland. Both these websites are available to the general public and offer you free access to all information.

The Scottish Mediation Register is an independent register of mediators and mediation services. This website gives you free access to information about people who practice all kinds of mediation. The register is administered by the Scottish Mediation Network (SMN).

The data on the site is updated by the mediators at least once a year.

The aim of the Scottish Mediation Register is to reassure people of the professional quality of the mediators they select, by certifying that they meet minimum standards. These standards are set by an independent Standards Board. Mediators who appear on the SMR can call themselves a ‘Scottish Mediation Registered Mediator**’** and use the SMR logo next to their name.

Once a regulating organisation certifies that a mediator has met the organisation's additional sectorial standards, an additional ‘badge’ from that organisation may be applied beside the mediator’s entry on the register.

Information and training

Since 2004, the SMN network has provided a **‘map of mediation’** on its website. The presentation of information has been upgraded several times – work that has been funded by the Scottish Government. The link appears in a number of leaflets and web links. This has now been linked to the Scottish Mediation Register to provide a single point of enquiry for finding a qualified mediator

The SMN office also receives telephone enquiries, which are directed to the appropriate mediation services.

The SMR sets out mediator qualifications so that parties have better information when selecting a mediator.

In Scotland, there are **training programmes** for different spheres of mediation. All are at least 30 hours long and should include training in:

Principles and practice of mediation

Stages in the mediation process

Ethics and values of mediation

The legal context of disputes (if any)

Communication skills useful in mediation

Negotiation skills and their application

The effects of conflict and ways of managing it

Diversity.

What is the cost of mediation?

The cost of mediation varies by provider and is not regulated by the state.

Mediation is generally **free** to the individual user when the dispute involves children, neighbour and community conflicts, additional support needs and disability discrimination conciliation.

Fees for private mediators range from £200 to £2000 or more per day.

Is it possible to enforce an agreement resulting from mediation?

Directive 2008/52/EC allows those involved in a dispute to request that a written agreement arising from mediation be made enforceable. Member States will communicate this to the courts and other authorities competent to receive such requests.

Related Links

Scottish Mediation Network

Scottish Mediation Register

Standards

Scottish Mediation: Registered Mediators

Regulating organisation

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