

# BILL

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## THE MEDIATION ACT, 2025

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No.



2025

Sierra Leone

**A BILL ENTITLED**

**THE MEDIATION ACT, 2025**

Short title.

**Being an Act to provide for the settlement of civil and commercial disputes by mediation, to provide for the establishment of a Mediation Centre and regional offices throughout Sierra Leone, to provide for the accreditation and registration of mediators, to provide for the recognition and enforcement of international mediation settlement agreements, to provide for the regulation of the conduct of mediation proceedings and to provide for other related matters.**

[

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Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

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**PART I—PRELIMINARY**

- Interpretation. 1. In this Act, unless the context otherwise requires -
- "Board" means the Board of the Centre constituted under section 5;
- "Centre" means the Mediation Centre established under section 4;
- "Court" means the High Court;
- "dispute" means a civil or commercial dispute, domestic or foreign, that could give rise or has given rise to civil proceedings;
- "mediation" means a voluntary process in which a mediator facilitates communication and negotiations between parties to a dispute to reach a mutually acceptable agreement;
- "mediator" means a neutral, qualified and impartial person accredited to conduct mediation and whose name is on the Register of Certified Mediators maintained by the Centre or whom the parties to a dispute choose to serve in resolving their dispute;
- "Minister" means the Attorney-General & Minister of Justice;
- "party" includes a natural or legal person, statutory body, corporate or unincorporated body or partnership;
- "settlement agreement" means an agreement on settlement of a dispute under section 49.

2. (1) This Act applies to a voluntary agreement between parties to a dispute who have been fully informed of their rights and the implications of choosing mediation. Application of Act.

(2) Nothing in this Act shall be construed as replacing a mediation, arbitration or other dispute-resolution process which is provided for in an enactment.

3. This Act shall not apply to - Non-application of Act.

- (a) an arbitration within the meaning of the Arbitration Act, 2022 (Act No. 19 of 2022);
- (b) criminal matters;
- (c) a dispute relating to the payment of taxes, customs and excise duties.

#### PART II - MEDIATION CENTRE.

4. (1) There is hereby established a body to be known as the Mediation Centre. Mediation Centre.

(2) The Centre shall be a body corporate having perpetual succession and capable of acquiring, holding and disposing of property, whether movable or immovable, and of suing and being sued in its corporate name and, subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Centre shall have a common seal, the use of which shall be authenticated by the signatures of-

- (a) the Chairman or other member of the Board authorised either generally or specially by the Board in that behalf; and

- (b) the Executive-Director or some other person authorised by the Board in that behalf.

Board of  
Centre.

5. (1) The governing body of the Centre shall be a Board in which shall be vested, subject to this Act, the supervision of the Centre.

(2) The Board shall consist of a Chairman, who is a legal practitioner of not less than 15 years standing with a proven track record of involvement in mediation or alternative dispute resolution process or possesses specialised training or certification in mediation or alternative dispute resolution mechanisms, appointed by the President on the recommendation of the Minister subject to the approval of Parliament and the following other members -

- (a) a representative with the relevant training on alternative dispute resolution mechanisms from -
- (i) Sierra Leone Labour Congress;
  - (ii) Sierra Leone Chamber of Commerce;
  - (iii) Employers Federation; and;
  - (iv) Council of Paramount Chiefs;
- (b) the Executive Director who shall serve as secretary.

Tenure of  
Chairman.

6. (1) The Chairman shall hold office for a period of 3 years and shall be eligible for re-appointment for a further term of 3 years only.

(2) A person shall cease to be a member of the Board on any of the following grounds-

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- (a) inability to perform the functions of his office by reason of infirmity of mind or body;
  - (b) for proven misconduct;
  - (c) if he becomes bankrupt or insolvent;
  - (d) if he is convicted and sentenced for an offence involving fraud or dishonesty;
  - (e) if he fails to attend three consecutive meetings of the Board without reasonable cause;
  - (f) if he resigns his office by written notice to the Minister.

7. (1) The Board shall meet for the dispatch of its business at least once every month at the offices of the Centre and at such time as the Chairman may determine. Meetings of Board.

(2) The Chairman shall preside at every meeting of the Board, and in his absence, the members present shall appoint a member from among themselves to preside at that meeting.

(3) A minimum of 5 members of the Board may, by notice in writing signed by them, request the Chairman to summon a special meeting of the Board for such purposes as may be stated in the notice.

(4) The Chairman or, in his absence, the member appointed to act in his behalf shall summon a special meeting within 5 days of his receipt of the notice referred to in subsection (3).

(5) The quorum at a meeting of the Board shall be 4.

(6) The Chairman or other person presiding shall have a casting vote where there is an equality of votes.

(7) A proposal circulated among all members and agreed to in writing by a two-thirds majority of all members shall be of the same force or effect as a decision made at a duly constituted meeting of the Board and shall be incorporated in the minutes of the next succeeding meeting of the Board:

Provided that, if a member requires that such proposal be placed before a meeting of the Board, this subsection shall not apply to such proposal.

(8) The Board may co-opt a person to attend and participate in its deliberations on any matter but such person shall not vote on any issue for the decision by the Board.

(9) The Board shall cause minutes of all its meetings to be taken and signed by the Chairman and kept in proper form.

(10) Subject to this Act, the Board shall regulate its own procedure.

Disclosure  
of interest.

8. (1) A member of the Board who has any interest, whether direct or indirect in any matter being considered or to be considered by the Board, shall disclose the nature of his interest to the Board and the disclosure shall be recorded in the minutes of the Board and such member shall not take part in any deliberation or decision of the Board relating to that matter.

(2) A member of the Board who contravenes subsection (1) shall be guilty of misconduct and shall be liable to be removed from the Board.

Immunity of  
members of  
Board.

9. (1) No action or other proceedings shall lie or be instituted against any member of the Board or member of a committee of the Board for or in respect of any act or thing done or omitted to be done in good faith in the exercise of his functions under this Act.

(2) No member of the Board shall be personally liable for any debt or obligation of the Authority.

10. (1) The Board may, for the discharge of its functions, appoint one or more committees to perform such functions as the Board may determine. Committees of Board.

(2) A committee shall consist of members of the Board or non-members or both as the Board may decide.

(3) Without prejudice to the generality of subsection (1), the Board shall appoint an audit committee consisting of such members of the Board, excluding the Executive Director, and performing such functions as the Board may determine.

(4) A committee shall submit a report of its proceedings to the Board at such time as the Board may determine.

11. (1) Subject to this Act, the Board shall have the control and supervision of the Authority, including overseeing the sound and proper financial management of the Authority. Functions of Board.

(2) It shall also be the responsibility of the Board to provide such policy guidance and advice as will secure the efficient implementation of the functions of the Authority and enhance the overall performance of the Authority.

12. The Chairman and the other members of the Board and any person co-opted by the Board under subsection (8) of section 7 shall be paid such remuneration; fees and allowances approved by the Minister and shall be reimbursed by the Authority for expenses incurred in connection with the discharge of their functions as the Board may, with the approval of the Minister, determine. Remuneration of members.

13. (1) Where the Chairman or a member of the Board dies, resigns, is removed from office or is absent for a continuous period exceeding 3 months or is by reason of illness unable to perform the functions of his office for a continuous period of 6 months, in the case of - Filling of vacancies.

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- (a) the Chairman, the members of the Board shall elect one of their number to act as Chairman until such time as the Chairman resumes his office or another is appointed in his stead; and
  - (b) a member, the Chairman shall, subject to this Act, have another person appointed to the Board.

(2) Where a person is appointed as Chairman or appointed as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or member, as the case may be, and shall, subject to this Act, be eligible for re-appointment.

Functions  
and powers  
of Board.

14. (1) The Board shall be responsible to -

- (a) formulate standards for the accreditation of mediation training programs;
- (b) formulate standards for the certification of mediators and mediator trainers;
- (c) set requirements for the approval of mediators and mediator trainers;
- (d) monitor accredited mediation training programs and mediation agencies to ensure that the standards set under paragraphs (a) & (b) are followed;
- (e) draw up a list of mediators to assist in domestic and international mediation; and
- (f) establish and maintain the following registers -

- 
- (i) a Register of Certified Mediators which shall indicate, where appropriate, areas of specialisation of each mediator;
  - (ii) a Register of Accredited Mediation Training Programs; and
  - (iii) a Register of Certified Mediation Trainers;
- (g) monitor accredited mediation training programs to ensure that the standards set under paragraph (a) are maintained.
- (2) The Board shall exercise the following powers -
- (a) enforce the observance of the code of ethics for certified mediators;
  - (b) investigate and discipline certified mediators in accordance with the disciplinary regulations;
  - (c) approve applicants for registration as mediators in accordance with section 16 and to revoke any such registration where the requirements for registration are not met.

### PART III - FUNCTIONS AND POWERS OF THE MEDIATION CENTRE.

15. (1) The object of the Centre is to promote and facilitate the use and practice of mediation to settle disputes.

Functions of Centre.

(2) The Centre shall, for the attainment of its objects under subsection (1), -

- (a) provide facilities for the settlement of disputes through mediation;
- (b) exercise power for alternative dispute resolution conferred on it by the parties to a dispute but shall not be involved in actual resolution of the dispute;
- (c) provide administrative and technical services in aid of mediation;
- (d) accredit mediators;
- (e) establish and enforce codes of ethics for mediators;
- (f) accredit mediation training programs;
- (g) formulate standards for accreditation of mediation training programs;
- (h) provide for the initial training of mediators to ensure that mediation is conducted in an effective, impartial and competent manner;
- (i) encourage the Council of Paramount Chiefs to maintain a register of persons who wish to serve as mediators;
- (j) provide a list of mediators to persons who request mediation services;
- (k) provide guidelines on mediation fees and expenses;

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- (l) arrange for the provision of assistance to persons as it considers necessary;
  - (m) investigate complaints against mediators and enforce disciplinary measures in accordance with prescribed disciplinary rules;
  - (n) facilitate, promote and conduct research and training in, and issue publications on all forms of alternative dispute resolution processes;
  - (o) formulate programs for the education of the general public on the benefits of mediation and other alternative dispute resolution mechanisms;
  - (p) conduct research and studies relating to the functions of the Center;
  - (q) set up such provincial, district, chiefdom and ward centers as it considers appropriate;
  - (r) promote domestic and international mediation as means of settling disputes;
  - (s) provide for the conduct of domestic and international dispute mediation;
  - (t) do all such other things as may be necessary in furtherance of its objects.

16. The Center shall establish and operate an office in the Western Area and regional offices in the other administrative regions of Sierra Leone. Regional offices.

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PART IV - ACCREDITATION AND REGISTRATION OF  
MEDIATORS

Accreditation  
and  
registration  
of mediators.

17. (1) A person who intends to practice as a mediator shall submit an application in writing to the Board.

(2) The Board shall, on receipt of an application under subsection (1), consider the application within a period of 30 days from the date of receipt of the application and where the applicant -

(a) meets the requirements in subsection (1) of section 14, register the applicant as a mediator; or

(b) does not meet the requirements in subsection (1) of section 14, reject the application and inform the applicant of the reasons for doing so.

(3) Subject to subsection (1), a person who wishes to -

(a) practice as a mediator for a court annexed mediation process;

(b) register a mediation training programs, shall, in addition to registration under subsection (2), apply to the Board for accreditation.

Recognition  
of non-  
accredited  
mediation  
training  
programs.

18. (1) Where a person who holds a mediation training certificate from a program that is not accredited under this Act and wishes to have his name mediation training entered on the Register of Certified Mediators he shall apply to the Board to have the program, in respect of which the certificate was issued, recognised for the purpose of entry on the Register of Accredited Mediation Training Programs.

(2) The Board shall, where it is satisfied that the training program referred to in subsection (1) contains the necessary elements for mediation training, enter on the Register of Approved Mediation Training Programs, the name and date of that program.

19. The Board may, where a mediator -

Revocation  
of  
registration.

- (a) fails to comply with the terms and conditions of his registration;
- (b) has been adjudged bankrupt;
- (c) has been convicted for fraud or dishonesty by a court of competent jurisdiction;
- (d) being a person possessed of professional qualifications, is disqualified (otherwise than at his own request) from practising his profession in Sierra Leone by order of a competent authority made in respect of him personally; or
- (e) is in breach of the code of conduct and has been found guilty,

revoke registration or suspend a mediator.

20. A person whose application for accreditation or registration has been rejected, or whose registration has been revoked or suspended, may within 7 days of receipt of the reason for refusal of application for accreditation or registration, or Revocation or suspension of registration, appeal to the High Court against the decision of the Board.

Right of  
appeal against  
Board  
decision.

21. (1) The Board shall prescribe a code of conduct for mediators.

Code of  
conduct for  
mediators.

(2) The code of conduct under subsection (1), shall among other things -

- (a) be consistent with this Act;
- (b) be consistent with internationally acceptable standards;
- (c) provide for initial and further or continuous training of mediators; and
- (d) provide for complaints, disciplinary and grievances procedures concerning mediators.

#### PART V - ADMINISTRATIVE PROVISIONS

Secretariat.

22. The Center shall have a Secretariat which shall comprise such departments or divisions as the Board may establish for the effective performance of its functions.

Executive Director.

23. (1) The Executive Director shall be the head the of the Secretariat and the vote controller of the Center.

(2) The Executive Director shall be a holder of a degree in law or related fields from an internationally recognised institution with proven managerial and administrative experience.

(3) The Executive Director shall, subject to the general supervision of the Board, be responsible for-

- (a) the day-to-day administration and management of the affairs of the Center;
- (b) supervising the work of other staff of the secretariat;

- (c) recording and keeping the minutes of meetings of the Board; and
- (d) such other duties as the Board may direct.

24. The Secretariat shall, in addition to the Executive Director, have such other professional, technical, administrative staff as may be appointed by the Board for the effective discharge of the functions of the Centre. Other Staff.

25. An officer or employee of the Centre or a person acting on the lawful direction of an officer or employee of the Centre shall not be liable in respect of anything done by him in good faith under this Act. Protection of officers.

#### PART VI - FINANCIAL PROVISION

26. (1) The activities of the Centre shall be financed by funds consisting of- Funds of Centre.

- (a) monies appropriated from time to time by Parliament for the purposes of the Centre;
- (b) charges and fees payable to the Centre in accordance with this Act;
- (c) all other monies and property to which the Centre may become entitled.

(2) The funds of the Centre shall be applied only for the purposes of the approved budget of the Centre.

27. (1) The Centre shall keep proper books of account and other records in relation to the activities, property and finances of the Company in a form approved by the Auditor-General and shall prepare, in respect of each financial year, a financial statement which shall include - Accounts and audit of Centre.

29. (1) The Centre shall, within 4 months after the end of the financial year, submit to the Minister a report on the performance of its functions during that year and on its policy and programmes. Annual report.

(2) The annual report shall include the accounts and annual financial statement prepared under section 27 and the report of the audit thereon.

(3) The Minister shall lay copies of the annual report before Parliament within 2 months after he has received the report.

(4) The Centre shall make copies of the report available to all stakeholders once it has been laid before Parliament.

#### PART VII - MEDIATION PROCESS

30. (1) The party concerned shall, where the initiation of a mediation procedure is - Submission to mediation.

(a) prescribed by an Act or any other law as a condition for the conduct of judicial or other proceedings; or

(b) the parties agreed, when concluding an agreement, to resolve dispute through mediation before resorting to judicial or other proceedings, propose the use of mediation proceedings to resolve their dispute, to the other party, in writing.

(2) Where the party that invited another party to mediate does not receive an acceptance of the invitation within 30 days from the day on which the invitation was sent, or within any other time as specified in the invitation, the party may elect to treat this as a rejection of the invitation to mediate.

(3) A party may propose to the other party, a recourse to mediation process, regardless of other judicial or arbitral proceedings, before, during or after the initiation of judicial proceedings.

(4) A body conducting an arbitral, judicial, administrative or other proceedings, may, during the proceedings, recommend to the parties to resolve their dispute by mediation in accordance with this Act where it assesses that there exists the possibility of resolving the dispute by mediation.

Commencement  
of  
mediation.

31. (1) The date of commencement of the mediation process shall be, in the case of -

- (a) where the agreement to mediate is drawn up in writing after a dispute as arisen, the date that the agreement to mediate was signed;
- (b) mediation by a court, the date the court made its decision to mediate; or
- (c) any other case, on the date when the mediator took the first step to start the mediation process.

(2) A party to a dispute may, with the consent of the other party, submit the dispute to mediation by a mediator agreed by the parties.

(3). A submission to mediation may be made in writing, telephone, or other form of verbal communication, and shall briefly state the nature of the dispute, the names, addresses including e-mail addresses and telephone numbers of the parties.

(4) A submission to mediation through telephone, or any other verbal mode of communication shall, unless the parties agree otherwise, be subsequently confirmed in writing.

(5) Where an oral submission is confirmed in writing pursuant to subsection (4) it shall contain all the particulars stipulated in subsection (3).

(6) Failure by the other party to accept the invitation to mediation within 14 days after receipt of the invitation or within the period of time specified in the invitation shall be considered to be a rejection of the invitation to mediation.

32. (1) Unless the parties agree otherwise, there shall be one mediator. Number of mediators.

(2) Where there is more than one mediator, the mediators shall act jointly.

33. (1) The parties may appoint a mediator to assist them in the mediation or may request the assistance of a suitable institution or person in the appointment of a mediator. Appointment of mediator.

(2). The institution or person requested under subsection (1) shall, in recommending a mediator, have regard to the neutrality, independence and impartiality of the proposed mediator and take into consideration the background of the parties.

34. (1) A person appointed mediator shall, before accepting the appointment, disclose, in writing, any circumstance relating to him that may affect his impartiality as mediator, including a financial or personal interest in the outcome of the mediation. Disclosure by mediator.

(2) A mediator shall promptly disclose in writing to the parties any circumstance that arises during the mediation which is likely to affect his impartiality as mediator including a financial or personal interest in the outcome of the mediation.

(3). The parties to a mediation may replace a mediator who makes disclosure under subsections (1) or (2).

Role of  
mediator.

35. (1) A mediator shall, in a neutral, independent and impartial manner, facilitate and encourage communication and negotiation between the parties and assist and advise the parties to arrive at a mutual acceptable settlement of the dispute.

(2). A mediator shall be guided by principles of objectivity, fairness and justice, giving consideration to the rights and obligations of the parties, the usages of trade concerned and the circumstances surrounding the dispute, including any previous business practices between the parties.

(3). A mediator shall advise a party, not having a legal representative or other professional adviser, to consider seeking independent advice, whether legal or otherwise, prior to signing a settlement agreement.

(4). A mediator shall inform the parties that-

- (a) their continued participation in mediation is voluntary;
- (b) they may withdraw from the process at any time with or without explanation;
- (c) it is for the parties to determine the outcome of the mediation proceedings;
- (d) they may be accompanied during the mediation proceedings by any person as they deem appropriate;
- (e) mediation expenses shall not be contingent on the outcome of the proceedings.

(5). A Mediator may, with the agreement of the parties, at any stage of the proceedings, make proposals for a settlement of the dispute but shall not impose a settlement on the parties and the proposal may be based on what the mediator deems appropriate in view of what the parties have brought forward in the proceedings.

36. The parties shall, in good faith, cooperate with the mediator and with in particular, endeavor to comply with requests by the mediator to submit written materials, provide evidence and attend meetings among other things. Cooperation of parties with mediation.

37. (1) The parties and the mediator shall, having regard to the nature of the dispute, seek to complete mediation proceedings as quickly as possible. Conduct of mediation.

(2) The parties are free to decide on the rules that should be applicable to the proceedings and the manner in which the mediation is to be conducted and the parties shall attend and participate in the proceedings in good faith.

(3) A mediator may, where no agreement is reached by the parties on the manner in which the proceedings is to be conducted, conduct the proceedings in a manner that the mediator considers appropriate, taking into account the circumstances of the case, any wish that the parties may jointly express and the need for a speedy settlement of the dispute, including a request by a party that the mediator hears oral statements.

(4) A mediator shall -

- (a) promote communication between the parties; and
- (b) ensure that the parties are integrated into the mediation process in an appropriate and fair manner.

(5) The parties and the mediator may agree that all or any of the mediation sessions are to be carried out by electronic means, by video conference or other similar means of transmission of the voice or image.

(6) A mediator may request each party to submit to him, further written statement of his position and the facts and grounds in support of it, supported by any documents and other evidence that the party thinks appropriate.

(7) A party shall send to the other party, copies of statements and other documents submitted to the mediator under subsection (6).

(8) A mediator shall, as soon as is practicable following his appointment, in consultation with the parties, establish a timetable for the submission by each party, to the mediator, and to the other party-

(a) a statement summarizing the background of the dispute;

(b) the interests and contentions of the parties, in relation to the dispute;

(c) the present status of the dispute; and

(d) such other information as the parties consider necessary for the purposes of the mediation and in particular, to enable the issues in dispute to be identified.

(9) A mediator may, at any stage of the mediation proceedings, request a party to provide such additional information as the mediator considers useful.

(10) A party may at any time submit to the mediator for consideration by the mediator only, written information which he considers to be confidential, and the mediator shall not, without the

written authorisation of that party, disclose the information to the other party.

(11) A mediator may, where necessary, and if the parties agree to pay the expenses, request expert advice on a technical aspect of the dispute.

(12) A request for the services of an expert may be made by the mediator or by one party with the consent of the other party.

(13) A mediator may end the mediation whenever he is of the opinion that further mediation between the parties will not help to resolve the dispute between the parties.

(14) A mediator may at any stage withdraw from the mediation proceedings but shall give the parties his reasons for withdrawal in writing.

38. (1) A party to a mediation may be assisted by a legal practitioner, an expert or any other person chosen by a party in the mediation proceedings. Representation in mediation.

(2) A party shall communicate in writing to the mediator and the other party, the name, address and extent of the authority of a representative or expert, that the party chooses, prior to the representative or expert's attendance at the mediation proceedings.

39. (1) The appointment of a mediator may be terminated by either of appointing party if - Termination of appointment of mediator.

- (a) the mediator is found by the Centre to have a financial or personal interest in the dispute;
- (b) the mediator is found to have obtained his appointment fraudulently;
- (c) the mediator is unable to perform the functions of a mediator;

- (d) the mediator, without reasonable excuse fails to commence work in the mediation proceedings within the period agreed with the parties; or
- (e) the mediator without reasonable excuse, fails to operate within the rules of the mediation proceedings.

(2) In the event of the death or resignation of a mediator or termination of the appointment of a mediator pursuant to subsection (1), another mediator shall be appointed in accordance with this Act.

Administrative assistance.

40. The parties or the mediator, with the consent of the parties, may, arrange for administrative assistance by a suitable institution or individual, in order to facilitate the conduct of mediation proceedings.

Communication between mediators and parties.

41. A mediator may invite the parties to meet with him and may communicate with them orally or in writing and may meet or communicate with them together or with each of them separately.

Attendance at mediation.

42. A person who is not a party to the mediation shall not attend the proceedings except with the consent of the parties or in accordance with this Act.

Disclosure of information.

43. Except where a party gives information to the mediator subject to a condition of confidentiality, when the mediator receives factual information concerning the dispute from a party the mediator may disclose the substance of that information to the other party in order that the other party may have the opportunity to present any explanation which that other party considers appropriate.

Confidentiality of mediation.

44. (1) Information, including a settlement agreement relating to mediation proceedings, shall -

- (a) be confidential and shall not be disclosed to a person or authority; and
- (b) not be admissible as evidence in a court or other proceedings,

except confidentiality is expressly waived in writing by the parties.

(2) Notwithstanding subsection (1), confidentiality shall not apply where -

- (a) the disclosure is-
  - (i) necessary to implement or enforce a settlement agreement;
  - (ii) made with the consent of the mediation parties;
- (c) made with the consent of the person who gave the confidential information;
- (d) required by law;
- (b) information is sought or offered in a proceeding relating to alleged negligence or misconduct of a mediator, legal practitioner or expert occurring during a mediation proceeding, or on a complaint to a professional body concerning negligence or misconduct in mediation proceedings;
- (c) the disclosure is necessary -

- (i) to avert, or mitigate serious and imminent threat to a person's life or health;
- (ii) to report the commission of an offence or prevent the likely commission of an offence; or
- (iii) for the purpose of disciplinary proceedings by the Disciplinary Panel referred to in the Second Schedule.

(3) Subsection (1) shall apply irrespective of the form of the information or evidence referred therein.

Non-disclosure of evidence in mediation.

45. (1) Disclosure of information in a mediation proceeding shall not be ordered by an arbitral tribunal, judicial or other competent authority and where the information is used or offered as evidence, that evidence shall carry no weight and shall be struck out.

(2) Subsection (1) shall apply whether or not the arbitral, judicial or similar proceedings relate to a dispute that is or was the subject matter of the mediation proceedings.

(3) Each person involved in a mediation shall, unless otherwise agreed by the parties, on termination of the mediation, return to the other party, any statement, document or other material supplied by a party without retaining a copy.

(4) Unless otherwise agreed by the parties, there shall be no audio or video recording of the mediation proceedings by the parties and their representatives and advisors, an independent expert and any other person present during the meeting of the parties or the participants including the mediator and mediation service provider, whether conducted in person or online.

(5) This section shall not prevent a mediator from compelling the disclosure of general information concerning matters that have been subject of mediation, for research, reporting or training purposes, if the information does not expressly or indirectly identify a party or participants or the specific disputes in the mediation.

46. (1) Legal proceeding shall not be commenced against a mediator or a person or official involved in a mediation process for an act done or omitted in the course of the performance of his functions, in reference to such mediation process.

Exclusion  
of liability.

(2). Notwithstanding subsection (1), where a person suffers loss or damage as a result of the wrongful disclosure of confidential information by a mediator or by a person who in the course of his employment or training gained access to such confidential information, that person shall be entitled to bring suit for damages.

(3) A mediator or any other person involved in a mediation process is not compellable as a witness, to give evidence of a matter which occurred during the mediation session or any confidential information which came to his knowledge during the mediation process.

47 (1) A Court before which an action other than a criminal matter is pending may, at any stage in the proceedings, if it is of the view that mediation will facilitate the resolution of the dispute or a part of the dispute, direct the parties to consider mediation of the dispute or that part of the dispute.

Court  
ordered  
mediation.

(2) Where the parties agree to submit the dispute or part of the dispute to mediation, the parties shall inform the court and the court shall refer the dispute to mediation accordingly.

(3) Where the parties fail to agree to submit the dispute or part of the dispute to mediation, the parties shall inform the court and the court shall continue with the action.

(4) A party to an action before a court may, with the consent of the other party and at any time before final judgment is given, apply to the court by motion, to have the whole action or part of the action referred to mediation.

(5) A court shall, where it refers a dispute to mediation under subsections (2) or (4) state -

- (a) the nature of the dispute;
- (b) the monetary value of the claim, if any;
- (c) the reasons for the reference; and
- (d) the remedy sought, and

attach copies of the pleadings and any other documents it considers relevant.

(6) A reference to mediation under this section shall serve as a stay of proceedings of the court action.

(7) A reference by a court shall be addressed to the mediator appointed by the parties and shall specify the time within which a report on the reference shall be submitted to the court.

(8) Where a reference leads to settlement of the dispute or part of the dispute, the settlement agreement shall be recorded by the court and enforced as its judgment.

End or  
termination  
of mediation.

48. (1) A mediation ends when -

- (a) the parties execute a settlement agreement;
- (b) the mediator terminates the mediation proceedings for nonpayment of a deposit under subsection (1) of section 55;
- (c) the mediator after consultation with the parties makes a declaration to the effect that the parties cannot resolve their dispute;
- (d) the parties jointly address a declaration to the mediator to the effect that the mediation is terminated;
- (e) a party makes a declaration to the mediator and the other party, at any time before executing a settlement agreement, to the effect that the mediation is terminated;
- (f) a party elects by his conduct not to continue with the mediation; or
- (g) a party dies or becomes incapable of continuing with the mediation.

(2) A declaration under subsection (1) may be oral or in writing but where a declaration is not in writing, the mediator shall record the declaration.

(3) A mediator shall, on termination of a mediation under subsection (1), -

- 
- (a) promptly send a notice in writing that the mediation is terminated to the Centre and to the Court, where there was a reference under section 47 and indicate the date of termination, whether or not the mediation resulted in a settlement of the dispute and if so, whether the settlement was full or partial;
  - (b) send a copy of the notice sent to the Centre or to the Court to the parties.

(4) The Center shall keep the notice of the termination of the mediation confidential and shall not, without the written authorisation of the parties, disclose the existence or the result of the mediation, to any person.

Settlement  
agreement.

49. (1) The parties in a mediation may, where they have reached an agreement on settlement of a dispute, draw up and sign a written settlement agreement and request the mediator to draw up or assist them in drawing up the settlement agreement.

(2) A settlement agreement shall, upon signing, be binding on the parties and persons claiming under or through them.

(3) The mediator shall authenticate a settlement agreement and furnish a copy of the settlement agreement to each of the parties, the Centre, and the Court, as the case may be.

Effect of  
settlement  
agreement.

50. (1) Where a settlement agreement is reached following a party initiated settlement, either party may apply to a court to enforce the settlement agreement.

(2) Where a submission to mediation under section 30 leads to a settlement agreement, the agreement shall be registered with the High Court and enforced like a judgement of the High Court.

(3). Where a reference to mediation under section 47 -

(a) leads to -

(i) settlement of a dispute, the settlement agreement shall be recorded by the court and enforced as its judgment;

(ii) partial settlement of the dispute, the settlement agreement shall be filed in the court and the court shall continue with the proceedings from the point where the reference was made;

(b) does not lead to a settlement, the court shall continue with the proceedings from the point where the reference was made.

51. A mediator shall not, unless required by a court or authorised in writing by the parties, act in any capacity whatsoever, otherwise than as a mediator in a pending or future proceeding, whether arbitral, judicial or other proceeding, relating to the subject matter of the dispute. Role of mediator in other proceeding.

52. (1) Where the parties have agreed to mediate and have expressly undertaken not to initiate arbitral, judicial or other proceedings with respect to an existing or future dispute during a specified time or until a specified event has occurred, such undertaking shall be given effect by the arbitral tribunal or the court until the terms of the undertaking have been complied with, except to the extent necessary for a party, to preserve his rights but initiation of such proceedings shall not of itself be regarded as a waiver of the agreement to mediate or as a termination of the mediation proceedings. Resort to other violation of agreement.

(2) A Court before which an action is brought in respect of a matter which is the subject of a mediation agreement shall, where a party makes an application before taking any other step to answer the substantive claim, excluding a procedural step necessary to acknowledge the proceedings, stay that action and refer the parties to mediation unless it finds that the mediation agreement is null and void, inoperative or incapable of being performed.

(3) Where an action referred to in subsection (1) has been brought, mediation proceedings may be commenced or continued while the issue is pending before the court.

(4) A Court may, where it makes an order for stay of proceedings for the purpose of preserving the rights of parties under subsection (1), make such interim or supplementary order, as may be necessary.

Admissibility  
of evidence  
proceedings

53. (1) The parties to a mediation proceeding, the mediator and any other third-party, including those involved in the administration of the mediation proceeding, shall not rely on, or introduce as evidence in arbitral, judicial or other proceedings, whether or not the proceedings relate to the dispute that is the subject of the mediation proceedings -

- (a) an invitation by a party to engage in mediation proceedings or the fact that a party was willing to participate in mediation proceedings;
- (b) views expressed or suggestions made by a party in a mediation in respect of a possible settlement of the dispute;
- (c) statement of admission made by a party in the course of the mediation proceedings;

- (d) a communication made in a mediation session;
- (e) the fact that a party had indicated his willingness to accept a proposal for settlement;
- (f) proposals made by the mediator;
- (g) the fact that a party had indicated its wiliness to accept a proposal for settlement made by the mediator; and
- (h) a document, whether delivered or not, prepared for the purposes of or in the course of a mediation session.

(2) Notwithstanding subsection (1), documents or communications shall be admissible where -

- (a) the mediation parties consent to the evidence being adduced in the proceedings concerned;
- (b) a mediation party has tendered the communication or document in evidence in proceedings in a foreign court and all the other mediation parties so consent;
- (c) the substance of the evidence has been disclosed with the express or implied consent of all the mediation parties;

- 
- (d) the substance of the evidence has been partly disclosed with the express or implied consent of the mediation parties, and full disclosure of the evidence is reasonably necessary to enable a proper understanding of the other evidence that has already been adduced;
  - (e) the document or communication includes a statement to the effect that it was not to be treated as confidential;
  - (f) the evidence tends to contradict or to qualify evidence that has already been admitted, about the course of an attempt to settle the dispute;
  - (g) the proceeding in which it is sought to adduce the evidence is a proceeding to enforce an agreement between the mediation parties to settle the dispute, or a proceeding in which the making of such an agreement is in issue; or
  - (h) evidence that has been adduced in the proceeding, or an inference from evidence that has been adduced in the proceeding, is likely to mislead the court, unless evidence of the communication or document is adduced to contradict or to qualify that evidence.

Mediation  
expenses.

54. (1) Unless the parties agree otherwise, the expenses of the mediation including the fees and expenses of -

- (a) the mediator;
- (b) an administrative assistant;
- (c) an advisor or expert; and
- (d) any expenses incurred in connection with the mediation proceedings and settlement agreement,

shall be borne equally by the parties.

(2) Expenses incurred by a party in connection with the mediation proceedings shall be borne by that party.

(3) Expenses and fees associated with the mediation shall-

- (a) be reasonable and proportionate to the importance and complexity of the issues in dispute and to the amount of work carried out by the mediator and other persons in connection with the mediation; and
- (b) not be contingent on the outcome of the proceedings.

55. (1) A mediator may request each party to deposit an equal amount as an advance for the mediation expenses which the mediator expects will be incurred. Deposits.

(2) If the required deposits are not paid in full by both parties within 30 days of the request, the mediator may suspend the proceedings or may make a written declaration of termination of the proceedings to the parties effective on the date of that declaration.

(3) A mediator shall, on the termination of the mediation proceedings, render an account to the parties of the deposits received and return any unexpended balance to the parties or require the payment of any amount owing from the parties.

Effects of mediation on limitation period.

56. In reckoning a period of time for the purposes of the Statute of Limitations Act, 1961 (Act No. 51 of 1961), the period beginning on the day on which mediation commences and ending 30 days after the end of shall not be counted.

#### PART VIII - RECOGNITION AND ENFORCEMENT OF INTERNATIONAL SETTLEMENT AGREEMENT RESULTING FROM MEDIATION.

Application of Singapore Convention.

57. (1) The Singapore Convention on Mediation shall have the force of law in Sierra Leone.

(2) The United Nations Convention on International Settlement Agreements Resulting from Mediation shall apply where the recognition and enforcement of foreign mediation settlement agreement resulting from mediation in a country other than Sierra Leone is sought, provided that the -

- (a) country is a party to the Singapore Convention on Mediation;
- (b) differences arose out of a legal relationship, whether contractual or not, considered civil or commercial under the laws of Sierra Leone; and
- (c) differences arose out of mediation agreements concluded and settlement agreements rendered after the date of Sierra Leone's accession to the Singapore Convention on Mediation.

58. (1) A mediation settlement shall, irrespective of the country in which it is made, be recognised as binding on the parties and upon application in writing to the High Court, be enforced by the High Court.

Recognition  
and  
enforcement.

(2) A party relying on a mediation settlement or applying for its enforcement shall supply -

- (a) the original settlement agreement or a certified copy thereof signed by the parties;
- (b) the original mediation agreement or a certified copy thereof; and
- (c) a certified translation thereof into the English language, where the settlement agreement or mediation agreement is not made in English.

(3) The requirement that a settlement agreement shall be signed by the parties or, where applicable, the mediator, is met in relation to an electronic communication if a method is used to identify the parties or the mediator and to indicate the intention of the parties or mediator in respect of the information contained in the electronic communication.

(4) A settlement agreement may, by leave of the Court, be enforced in the same manner as a judgment or order of the High Court.

59. (1) A party to a mediation agreement may request the court not to recognise or enforce a settlement agreement.

Refusal of  
recognition  
or  
enforcement  
of  
settlement  
agreement.

(2) A Court may only refuse to recognise or enforce a settlement agreement under subsection (1), at the request of the party against whom it is invoked, if that party furnishes the court with proof that -

- (a) a party to the mediation agreement was under some incapacity;
- (b) the mediation agreement is not valid under the law which the parties have indicated should be applied, or, failing such indication, that the mediation agreement is not valid under the laws of the country where the settlement agreement was made;
- (c) the party against whom the settlement agreement was invoked was not given proper notice of the appointment of a mediator or of the mediation proceedings or was otherwise not able to present his case;
- (d) the settlement agreement -
  - (i) deals with a dispute not contemplated by or not falling within the terms of the submission to mediation; or
  - (ii) contains decisions on matters which are beyond the scope of the submission to mediation: provided that if the decisions on matters submitted to mediation can be separated from those not so submitted, only that part of the settlement which contains decisions on matters submitted to mediation may be recognised and enforced;

- 
- (e) the appointment of the mediator or the mediation procedure was not in accordance with the agreement of the parties;
  - (f) that there is no agreement between the parties;
  - (g) the settlement agreement has not yet become binding on the parties or has been set aside or suspended by a court of the country in which, or under the law of which, the award was made;
  - (h) the subject matter of the dispute is otherwise not capable of settlement by mediation under the laws of Sierra Leone; or
  - (i) that the settlement agreement is illegal under the laws of Sierra Leone:

Provided that the entire agreement shall not be declared illegal where only part of it is challenged.

(3) A court before which recognition or enforcement is sought may, where an application to set aside or suspend a settlement agreement has been made, if it considers it proper, -

- (a) adjourn its decision; and
- (b) order the other party to provide appropriate security, on the application of the party claiming recognition or enforcement of the settlement agreement.

(4) A court dealing with an application to set aside or suspend a settlement agreement shall render a decision on a challenge to enforce a settlement agreement within one month of the date the matter is adjourned for judgment.

#### PART IX - CHALLENGING THE SETTLEMENT AGREEMENT

Application  
for setting  
aside  
settlement  
agreement.

60. (1) Challenging a settlement agreement arising from mediation may be made only by an application upon notice to the other parties, in accordance with subsections (2) and (3).

(2) A settlement agreement may be set aside by the High Court only if -

(a) the party making the application furnishes proof that -

(i) the party to the settlement agreement was under some incapacity;

(ii) the settlement agreement is not valid under the law to which the parties have subjected it or under the laws of Sierra Leone;

(iii) the party making the application was not given proper notice of the appointment of a mediator or of the mediation proceedings or was otherwise unable to present his case;

(iv) the settlement agreement deals with a dispute not contemplated by, or not falling within the terms of the submission to mediation, or contains decisions on matters beyond the scope of the submission to mediation, provided that,

if the decisions on matters submitted to mediation can be separated from those not so submitted, only that part of the mediation agreement which contains decisions on matters not submitted to mediation may be set aside; or

- (v) the appointment of the mediator or the mediation proceedings was not in accordance with the agreement of the parties, unless such agreement was in conflict with this Act from which the parties cannot derogate or, failing such agreement, was not in accordance with this Act; or

(b) the Court finds that -

- (i) the subject matter of the dispute is not capable of settlement by mediation under the laws of Sierra Leone; or

- (ii) the settlement agreement is illegal under the laws of Sierra Leone.

(3) An application for setting aside a settlement agreement may not be made after 90 days have elapsed from the date on which the party making that application had received the settlement agreement.

(4) The Court may, where it is satisfied that one or more of the grounds set out in subsection (2) has been proved and that it has caused or will cause substantial injustice to the applicant -

- (a) remit the settlement to the mediator, in whole or in part, for reconsideration; or
- (b) set the settlement aside in whole or in part.

(5) The Court may, when requested by a party to set aside a settlement agreement, where appropriate, suspend the setting aside proceedings for a period of time determined by it in order to give the mediator an opportunity to resume the mediation proceedings or to take such other action as in the opinion of the mediator will eliminate the grounds for setting aside.

(6) The Court may, where an application is made to set aside a settlement agreement, order the party making the application to provide appropriate security for the settlement pending the determination of the application.

(7) The Court dealing with such application shall render a decision on a challenge to enforce a settlement agreement within one month of the date the matter is adjourned for judgment.

Directions relating to setting aside settlement.

61. The Court may, where it makes an order setting aside a settlement agreement or a part thereof under section 60, taking into account the grounds on which the settlement or the relevant part thereof has been set aside, give such other directions as it considers appropriate, including directions relating to -

- (a) the remittance of the matter to the mediator;
- (b) the commencement of a new mediation, including the time within which such mediation shall be commenced; or
- (c) the bringing of an action, including the time within which such action shall be brought, by a party to the mediation agreement concerning a matter which was the subject of the settlement agreement which was set aside by the court.

## PART X - MISCELLANEOUS

62. (1) The Board may, by statutory instrument, make Regulations for carrying out the objects of this Act. Regulation.

(2) Without prejudice to the generality of subsection (1), the Board may make Regulations to-

- (a) govern its own procedures;
- (b) prescribe requirements to be complied with by a mediator;
- (c) provide for complaints and disciplinary procedures for certified mediators and certified mediation trainers;
- (d) provide for a complaints procedure for approved mediation agencies;
- (e) provide for procedures for complaints concerning accredited training programs;
- (f) provide for the process, procedure and standards for accreditation of mediation training programs;
- (g) provide for the process, procedure and standards for the certification of mediators;
- (h) provide for the certification of mediators who are the holders of mediation certificates from training programs not accredited under section 18;

- (i) provide for the deregistration of mediators, trainers or accredited mediation training programs;
- (j) provide for the periodic renewal of registration of mediators, trainers, accredited mediation training programs;
- (k) prescribe a code of ethics for mediators;
- (l) provide for all processes, procedures, standards and requirements as may be necessary to give effect to this Act;
- (m) prescribe qualifications of persons who wish to be registered as mediators;
- (n) prescribe the parameters for the determination of fees of mediators;
- (o) provide for research, education, training, as well as the standards to be attained with respect to mediation;
- (p) prescribe the functions of regional and other branch offices of the Centre;
- (q) prescribe the role of traditional leaders in achieving the purposes of this Act; and
- (r) prescribe the processes, procedures, standards and requirements as may be necessary to give effect to this Act.

## MEMORANDUM OF OBJECTS AND REASONS

The object of this Bill is to provide for the settlement of civil and commercial disputes by mediation, to provide for the establishment of a Mediation Centre and regional offices throughout Sierra Leone, to provide for the accreditation and registration of mediators, to provide for the recognition and enforcement of international mediation settlement agreements, to provide for the regulation of the conduct of mediation proceedings and to provide for other related matters.

The Bill is divided into 10 parts.

**PART I - PRELIMINARY** - makes provision for the interpretation of words used, application and non- application of the Bill.

**PART II - MEDIATION CENTRE** - deals with establishment and Board of the Mediation Centre.

**PART III - FUNCTIONS AND POWERS OF THE MEDIATION CENTRE** - describes the Functions and powers of the Centre.

**PART IV - ACCREDITATION AND REGISTRATION OF MEDIATORS** - makes provision for the accreditation and registration of mediators, recognition of non-accredited mediation training programs, revocation of registration, right of appeal against Board decision and Code of conduct for mediators.

**PART V - ADMINISTRATIVE PROVISIONS** - makes provision for the Secretariat of the Centre, the appointment of the Executive Director and other staff.

**PART VI - FINANCIAL PROVISION** - makes provision for the funds, accounts and audit of the Centre

**PART VII - MEDIATION PROCESS** - makes detailed provision for the mediation process.

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PART VIII - RECOGNITION AND ENFORCEMENT OF INTERNATIONAL SETTLEMENT AGREEMENT RESULTING FROM MEDIATION - makes provision for the application of Singapore Convention, recognition and enforcement of settlement agreement.

PART IX- CHALLENGING THE SETTLEMENT AGREEMENT - makes provision for the application for setting aside settlement agreement.

PART X- MISCELLANEOUS - deals with the power to make Regulations.

MADE this - day of , 2025.

ALPHA SESAY  
*Attorney General and Minister of Justice*

FREETOWN,  
SIERRA LEONE.