

THE MEDIATION BILL, 2025

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Short title

The Mediation Act, 2025.

Being an Act to provide for and facilitate the settlement of civil and commercial disputes by mediation; to provide for the establishment of a mediation center 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; and to regulate the conduct of mediation proceedings.

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

PART I – PRELIMINARY

Commencement

1. This Act shall come into operation on such date as the Minister may fix by order in a Statutory Instrument.

Scope and
Application.

2. (1) This Act shall not apply to –

- (a) an arbitration within the meaning of the Arbitration Act, 2022;
- (b) criminal matters;
- (c) any dispute relating to the payment of taxes, customs and excise duties.

(2) Notwithstanding the non-applicability of this Act to the provisions of subsection (1) -

- (a) mediation shall be the voluntary agreement of the parties concerned;
- (b) parties to mediation shall be fully informed of their rights and the implications of choosing mediation.

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

Interpretation.

3. Unless the context otherwise requires –

“board” means the governing board of the Center referred to in section 7;

“Center” means the Mediation Center established in section 4;

“court” means the High Court or a magistrate’s court;

“dispute” means, subject to section 2, any civil or commercial dispute, domestic or foreign, that could give rise or has given rise to civil proceedings;

“fund” means the Mediation Fund established under section 25;

“institution” means a body or organization that is accredited by the Center to provide mediation services;

“mediation” means a voluntary process in which a mediator facilitates communication and negotiations between parties to assist the parties to reach a mutually acceptable agreement to resolve their dispute;

“mediator” means a neutral, qualified and impartial person accredited to conduct mediation and whose name is on the register of mediators maintained by the Center 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” has the same meaning as in Section 47.

PART II - MEDIATION CENTER

Establishment of
Mediation Center.

4. (1) There is hereby established a body to be known as the Mediation Center (“the Center”);
- (2) The Center shall be a body corporate having perpetual succession and shall be capable of-
 - (a) acquiring, holding and disposing of moveable and immovable property;

- (b) suing and being sued in its corporate name; and
 - (c) performing all such acts as bodies corporate may by law perform.
- (3) The Center shall have a seal the use of which shall be authenticated by the signature of-
- (a) the Chairman;
 - (b) the Executive Director;
 - (c) any other member of the Board and an officer of the Secretariat authorized either generally or specifically by the Board, in that behalf.

Independence of
the Center.

5. Unless otherwise provided in this Act and any other enactment, the Center shall not in the performance of its functions, be subjected to the direction or control of any person or authority.

Objects and
functions
of the Center.

6. (1) The objects of the Center shall be to promote and facilitate the use and practice of mediation to settle disputes.

(2) For the attainment of its objects, the Center shall-

- (a) provide facilities for the settlement of disputes through mediation;
- (b) exercise any power for alternative dispute resolution conferred on it by 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 for the services of such persons;
- (k) provide guidelines on mediation fees and expenses;
- (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, chieftdom and ward centers as it considers appropriate;

- (r) to promote domestic and international mediation as means of settling disputes;
- (s) to provide for the conduct of domestic and international disputes;
- (t) do all such other things as may be necessary in furtherance of its objects.

The Board. **7. (1)** The governing body of the Center shall be the Board.

(2) The Board shall be responsible for the formulation and on of the policies of the Center.

(3) The Board shall comprise-

- (a) a Chairman who is a legal practitioner of not less than fifteen 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;
- (b) the Executive Director who shall serve as secretary to the Board;
- (c) a representative with the relevant training on alternative dispute resolution mechanisms from –
 - (i) the Sierra Leone Labour Congress;
 - (ii) the Sierra Leone Chamber of Commerce;
 - (iii) the Employers Federation; and;
 - (iv) the Council of Paramount Chiefs.

Functions and powers of the Board.

8. (1) The Board shall perform the following functions -

- (a) to formulate standards for the accreditation of mediation training programmes;

(b) to formulate standards for the certification of mediators and mediator trainers;

(c) to set requirements for the approval of mediation agencies;

(d) to monitor accredited mediation training programmes and mediation agencies to ensure that the standards set under paragraphs (a) & (b) are followed; and

(e) to draw up a list of mediators to assist in domestic and international mediation.

(2) The Board shall exercise the following powers –

(a) to enforce the observance of the code of ethics for certified mediators;

(b) to investigate and discipline certified mediators in accordance with the disciplinary regulations;

(c) to 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;

(d) to do all such acts as may be necessary to give effect to the provisions of this Act; and

(e) to monitor accredited mediation training programmes and approved mediation agencies to ensure that the standards set under subsection (1)(a) & (b) and the requirements set under subsection (1)(c) are maintained.

Registers. **9.**The Board shall maintain the following registers –

- (a) a Register of Certified Mediators which shall indicate, where appropriate, areas of specialisation of each mediator;
- (b) a Register of Approved Mediation Agencies;
- (c) a Register of Accredited Mediation Training Programmes; and
- (d) a Register of Certified Mediation Trainers.

Appointment
of Board
members.

- 10.** (1). The Chairman and members of the Board shall be appointed by the President for a term of three years, and after that shall be eligible for re-appointment but shall not hold office for more than two terms.
- (2). A member of the Board may, by writing addressed to the President, through the Minister, resign his office.
- (3) A member of the Board may, for good cause, be removed from office by the President.
- (4) A member of the Board who is absent for three consecutive meetings of the Board without reasonable excuse may be removed from office by the President.
- (5) The Chairman and members of the Board shall be paid such allowances as may be specified in their letters of appointment.

Meetings of
the Board.

- 11.** (1) The Board shall meet at least once every three months for the dispatch of business at such time and place as the Chairman may determine.
- (2) The quorum for a meeting of the Board shall be three.
- (3) The Chairman shall preside at meetings of the Board and in the absence of the Chairman, a member of the Board elected by the members present from among their number, shall preside.
- (4) The Board may co-opt a person to advise it on any matter before the Board but such co-opted person shall not vote on any matter for decision by the Board.

(5) Any written proposal circulated among members of the Board and agreed to in voting by a two-thirds majority of the members shall have the same force or effect as a decision made at a duly constituted meeting of the Board, but if a member requires that the proposal be placed before a meeting of the Board the Chairman shall summon one at the earliest convenience.

(6) Subject to this Act, the Board shall regulate the procedure at its meetings.

Committees
of the Board.

12. (1) The Board may for the effective discharge of its functions establish committees consisting of members of the Board or non-members or both, to perform such functions as the Board may determine.

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

Disclosure
of interest.

13. (1) A member of the Board or of a committee of the Board who has an interest in any matter under consideration by the Board shall disclose to the Board or committee in writing the nature of that interest and shall not participate in the deliberations of the Board or the committee or vote in respect of that matter.

(2) A person who fails to comply with subsection (1) shall be removed from the Board by the President or by the Chairman from the committee.

Remuneration.

14. The persons co-opted by the Board under section 12(1) shall be paid remuneration, fees and allowances and shall be reimbursed by the Center for any expenses incurred in connection with the discharge of their functions as the Board may determine.

Regional
offices.

15. The Center shall establish and operate an office in the Western Area and regional offices in the Northern Province, North-Western Province, Southern Province and the Eastern Province.

PART III - ACCREDITATION AND REGISTRATION OF MEDIATORS

Accreditation
and registration
of members.

16. (1) A person, an organisation or agency who or which intends to practise as a mediator and to have his or its name or training programme entered in one of the registers referred to in section 9 shall submit an application in writing to the Board for registration.

(2) The Board shall consider the application within a period of thirty days from the date of receipt of the application and -

(a) register the applicant, organisation or agency as a mediator if the applicant meets the requirements contained in section 8(1) and such regulations made by the Board; or

(b) inform the applicant the reasons for rejection where the applicant does not meet the requirements.

(3) A person who wishes to practise as a mediator for court annexed mediation processes shall in addition to registration, apply to the Board for accreditation.

(4) Subject to section 1 an application for entry on the register of accredited mediation training programmes shall be made by the person or organisation offering such training programmes.

Recognition of
non-accredited
mediation
training
programmes.

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

(2) Where the Board is satisfied that the training programme referred to in subsection (1) contains the necessary elements for mediation training, that programme and its name and date shall be entered on the register of approved mediation training programmes.

Revocation of
registration.

18. The Board may revoke registration or suspend a mediator if he –

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

Right to appeal
against the
decision of the
mediation
Board.

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

Code of
conduct for
mediators.

20. (1) The Board shall formulate a code of conduct for mediators.

(2) The code of conduct 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 IV - ADMINISTRATIVE PROVISIONS

Secretariat **21.**(1) The Center shall be serviced by a Secretariat comprising an Executive Director and other staff, all of whom shall be appointed by the Board on such terms and conditions as the Board may determine.

(2) The Secretariat shall comprise such departments or divisions as the Board may establish for the effective performance of its functions.

Executive Director. **22.**(1) The Executive Director shall be a holder of at least a first degree from an internationally recognized institution with proven managerial and administrative experience.

(2) The Executive Director shall be head the of the secretariat and the vote controller of the Center.

(3) Subject to the general control of the Board, the Executive Director shall 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) shall be the Secretary to the Board;

(d) recording and keeping the minutes of meetings of the Board; and

(e) such other duties as the Board may direct.

Other staff of the secretariat. **23.**The other staff of the Secretariat shall comprise such professional, technical, administrative officers and support staff as may be appointed by the Board for the effective discharge of the functions of the Center.

Use of independent professionals and experts. **24.**The Board may hire, engage or retain the services of such professionals, experts and consultants as may be necessary for the effective performance of its functions.

Protection
of officers.

25. No officer or employee of the Center or any person acting on the lawful direction of an officer or employee of the Center shall be liable in respect of any matter or thing done by him in good faith under the Act.

PART V - FINANCIAL PROVISION

Funds of
Center.

26. (1) There is hereby established a Mediation Fund for the Center.

(2) The funds of the Center shall consist of -

- a) monies appropriated by Parliament for purposes of the Center;
- b) grants, gifts, donations or bequests from sources within and outside Sierra Leone made to and accepted by the Center; and
- c) administrative fees generated by the Center in the performance of its functions.

(3) The funds of the Center shall be applied for-

- a) payment of salaries of staff employed by the Center and the running costs of the Center;
- b) education of the general public on alternative dispute resolution mechanisms;
- c) research and studies relating to the functions of the Center;
- d) human resource development for alternative dispute resolution mechanisms; and
- e) such other purposes as the Board in consultation with the Minister may determine.

Accounts
and audit.

27. (1) The Secretariat shall keep proper books of account and records in relation to the funds of the Center in such form as the Auditor-General may approve.

- (2) (i) The books of accounts of the Center shall be audited by the Auditor-General or by an auditor appointed by him, within three months after the end of each financial year.
- (ii) The financial year of the Center shall be the same as the financial year of the Government.

Annual
reports.

28. (1) The Executive Director of the Center shall within three months after the end of each financial year, submit for the approval of the Board, an annual report of the activities and the operations of the Center for that year.

- (2) The Annual Report shall include-
 - (a) statistical data on mediation, provided that the information shall not reveal the identities or parties or enable the particular circumstances of the dispute to be revealed; and
 - (b) a copy of the report of the Auditor-General on the audit.
- (3) The Board shall submit the approved Annual Report to the Minister, not later than six months after the end of the year to which it relates.
- (4) The Minister shall, within one month after receipt of the annual report, submit the report to Parliament with a statement that he considers necessary.
- (5) The Board shall submit to the Minister any other reports which the Minister may require.

PART VI - MEDIATION PROCESS

Submission
to
mediation.

29. (1) Where the initiation of a mediation procedure is prescribed by an Act or any other law as a condition for the conduct of judicial or other proceedings, or where the parties agreed when concluding an agreement to try to resolve any dispute through mediation before resorting to judicial or other proceedings, the party concerned shall propose to the other party, in writing, the use of mediation proceedings to resolve their dispute.

- (2) Where a 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 all other judicial or arbitral proceedings, before, during or after the initiation of judicial proceedings.
- (4) During any arbitral, judicial, administrative or other proceedings, the body conducting the proceedings may, recommend to the parties to resolve their dispute by mediation in accordance with the provisions of this Act where it assesses that there exists the possibility of resolving the dispute by mediation.
- (5) The date of commencement of the mediation process shall be the date that the agreement to mediate was signed, where this is drawn up in writing after a dispute has arisen, or, in the case of reference to mediation by a court, the date the court made its decision or, in any other case, on the date when the mediator took the first step to start the mediation process

Commencement
of mediation.

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

(2) 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, if any, and telephone numbers of the parties.

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

(4) Where an oral submission is confirmed in writing pursuant to subsection 3 it shall contain all the particulars stipulated in subsection 2.

(5) Failure by the other party to accept the invitation to mediation within fourteen 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.

Number of
mediators.

31. (1) Unless the parties agree otherwise, there shall be one mediator.

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

Appointment
of mediator.

32. (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.

- (2) In recommending a mediator, the institution or person shall have regard to the neutrality, independence and impartiality of the proposed mediator, and take into consideration the background of the parties.

Disclosure
by mediator.

33. (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.

- (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 a disclosure under subsections (1) or (2).

Role of
mediator.

34. (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, *inter alia*, 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 any 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) The Mediator may, with the agreement of the parties, at any stage of the proceedings, make proposals for a settlement of the dispute but does not have the right to 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.

Cooperation
of parties with
mediation.

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

Conduct of
mediation.

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

(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) Where no agreement is reached by the parties on the manner in which the proceedings is to be conducted, the mediator may conduct the proceedings in a manner 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.

- (4) The 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) The mediator may conduct the mediation proceedings in such manner as he considers appropriate, taking into account the circumstances of the case, the wishes the parties may express, including a request by a party that the mediator hears oral statements.
- (7) The mediator may request each party to submit to him a 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.
- (8) A party shall send to the other party, copies of statements and other documents submitted to the mediator under this section.
- (9) As soon as is practicable following his appointment, the mediator shall, 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 parties interests and contentions, in relation to the dispute;
 - (c) the present status of the dispute; and

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

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

(11) 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 authorization of that party, disclose the information to the other party.

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

(13) 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.

(14) 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.

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

Representation
or assistance in
mediation.

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

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

Termination of
appointment
of mediator.

38.(1)The appointment of a mediator may be terminated by either party if –

(a) circumstances exist that give rise to justifiable doubts as to the mediator's impartiality, independence or eligibility;

- (b) the mediator is found by the Center to have a financial or personal interest in the dispute;
 - (c) the mediator is found to have obtained his appointment fraudulently;
 - (d) the mediator is unable to perform the functions of a mediator;
 - (e) the mediator, without reasonable excuse fails to commence work in the mediation proceedings within the period agreed with the parties; or
 - (f) 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 a mediator's appointment pursuant to subsection (1), another mediator shall be appointed in accordance with this Act.

Administrative Assistance.

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

Communication between mediator and parties.

40. The 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.

41. A person who is not a party to the mediation shall not attend the proceedings except with the consent of the parties or pursuant to the provisions of this Act.

Disclosure of information.

42. 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.

43.(1) Subject to this section, all information, including the settlement agreement relating to mediation proceedings shall be confidential and shall not be disclosed to any person or authority and shall not be admissible as evidence in any court or other proceedings except confidentiality is expressly waived in writing by the parties.

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

- (a) where disclosure is necessary to implement or enforce a settlement agreement;
- (b) the disclosure is made with the consent of the mediation parties;
- (c) the disclosure is made with the consent of the person who gave the confidential information;
- (d) where disclosure is required by law;
- (e) where information is sought or offered in any proceedings relating to alleged negligence or misconduct of a mediator, legal practitioner or expert occurring during mediation proceedings, or on a complaint to a professional body concerning negligence or misconduct in mediation proceedings.
- (f) Where the person referred to in subsection (1), believes on reasonable grounds that
 - i. a person's life or health is under serious and imminent threat and the disclosure is necessary to avert, or mitigate the consequences of its realisation;
 - ii. the disclosure is necessary to report to the appropriate authority the commission of an

offence or prevent the likely commission of an offence; or

- iii. the disclosure becomes necessary for the purpose of disciplinary proceedings by the panel.

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

Non-Disclosure
of evidence or
materials used
in Mediation.

44.(1) Disclosure of information shall not be ordered by an arbitral tribunal, court or other competent government authority, and, where the information is offered as evidence in contravention of this section, that evidence shall carry no weight and shall be struck out.

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

(3) Unless otherwise agreed by the parties, each person involved in the mediation shall 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, any independent experts 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) The provisions of this section shall not prevent the 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.

Exclusion
of liability.

45.(1) No legal proceeding may be commenced against a mediator or any person or official involved in the mediation process for any act done or omitted to be done in the course of the

performance of his functions, in reference to such mediation process.

- (2) Notwithstanding subsection (1), if a person suffers loss or damage as a result of the wrongful disclosure of confidential information by a mediator or by any 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) Subject to section 42 subsection (2) (b), (c), (d) and (f), the certified mediator or any other person involved in the mediation process is not compellable as a witness, to give evidence of any matter which occurred during the mediation session or any confidential information which came to his knowledge during the mediation process.

Court ordered
mediation.

46.(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.

(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 reference under subsections (2) or (4) shall 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 shall have attached, copies of the pleadings and any other documents the court considers relevant.

(6) A reference 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.

47. (1) A mediation ends when –

- (a) the parties execute a settlement agreement;
- (b) the mediator terminates the mediation proceedings for non-payment of a deposit under section 52(3);
- (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) On termination of the mediation, the mediator shall-

(a) promptly send to the Center and to the Court, if there was a reference under section 45, a notice in writing that the mediation is terminated and shall 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 to the parties, a copy of the notice sent to the Center or to the Court.

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

Settlement
agreement

48.(1) If the parties reach an agreement on settlement of the dispute, they may draw up and sign a written settlement agreement and if requested by the parties, the mediator may draw up or assist the parties in drawing up the settlement agreement.

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

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

Effect of
settlement
agreement

49.(1) Where a settlement agreement is reached following a party-initiated mediation, either party may apply to a court of competent jurisdiction to enforce the settlement agreement.

(2) Where a submission to mediation pursuant to section 28 or 29 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 pursuant to section 45 leads to settlement of the dispute, the settlement agreement shall be recorded by the court and enforced as its judgment.
- (4) Where a reference to mediation pursuant to section 45 leads to 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.
- (5) Where the reference does not lead to a settlement, the court shall continue with the proceedings from the point where the reference was made.

Role of a mediator in other proceedings.

50. Unless required by a court of law or authorized in writing by the parties, the mediator shall not act in any capacity whatsoever, otherwise than as a mediator in any pending or future proceedings, whether judicial, arbitral or otherwise, relating to the subject matter of the dispute.

Resort to other proceedings in violation of agreement.

51.(1) Where 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 an 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 its 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.

- (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) Where a Court makes an order for stay of proceedings under subsection (1), the Court may, for the purpose of preserving the rights of parties, make such interim or supplementary orders, as may be necessary.

Admissibility
of evidence in
other
proceedings

52. (1) The parties to the mediation proceedings, the mediator and any 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 any party in the mediation in respect of a possible settlement of the dispute;
- (c) statements of admissions made by any party in the course of the mediation proceedings;
- (d) a communication made in a mediation session;
- (e) the fact that any 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 willingness to accept a proposal for settlement made by the mediator; and
- (h) a document, whether delivered or not, prepared—
 - i. for the purposes of;
 - ii. in the course of;

- (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) any of the mediation parties 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.

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

(a) the mediator;
(b) any administrative assistance received;
(c) advisors and experts called; and
(d) any expenses incurred in connection with the mediation proceedings and settlement agreement;
shall be borne equally by the parties.

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

(3) The 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.

Deposits. **54.**(1) The mediator may request each party to deposit an equal amount as an advance for the mediation expenses which the mediator expects will be incurred.

(2) During the course of mediation proceedings, the mediator may request supplementary deposits in an equal amount from each party.

(3) If the required deposits are not paid in full by both parties within thirty 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.

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

Effects of mediation on limitation periods. **55.**In reckoning a period of time for the purposes of the Statute of Limitations Act, 1961, the period beginning on the day on

which mediation commences and ending on the day which is thirty days after the end of mediation, shall not be counted.

PART VII - RECOGNITION AND ENFORCEMENT OF INTERNATIONAL SETTLEMENT AGREEMENT RESULTING FROM MEDIATION

Application of
the Singapore
Convention.

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

(2) Without prejudice to section 6(2)(r) & (s), where the recognition and enforcement of foreign mediation settlement agreement resulting from mediation in a country other than Sierra Leone is sought, the United Nations Convention on International Settlement Agreements Resulting from Mediation shall apply:

provided that -

(a) the country is a party to the Singapore Convention on Mediation;

(b) the differences arose out of a legal relationship, whether contractual or not, considered civil or commercial under the laws of Sierra Leone; and

(c) the 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.

(3) In this section, the expression “Singapore Convention” means the United Nations Convention on International Settlement Agreements Resulting from Mediation.

Recognition and
enforcement of
settlement.

57.(1) A mediation settlement shall, irrespective of the country or State 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 subject to this section and section 55.

- (2) The 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 parties' or mediators' intention 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.

Refusal of recognition or enforcement of settlement.

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

(2). Irrespective of the country in which the settlement agreement was made, the Court may only refuse to recognise or enforce a settlement agreement 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 deals with a dispute not contemplated by or not falling within the terms of the submission to mediation;

(e) the settlement agreement 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;

(f) the appointment of the mediator or the mediation procedure was not in accordance with the agreement of the parties;

(g) that there is no agreement between the parties;

(h) 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;

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

(j) 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) Where an application to set aside or suspend a settlement agreement has been made under section 56, the Court before which recognition or enforcement is sought may, if it considers it proper, -
- (a) adjourn its decision; and
 - (b) on the application of the party claiming recognition or enforcement of the settlement agreement, order the other party to provide appropriate security.
- (4) 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.

PART VIII - CHALLENGING THE SETTLEMENT AGREEMENT

Application
for setting
aside
settlement
agreement.

- 59.** (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 mediation 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 mediation agreement was under some incapacity;
 - ii. the mediation 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 its case;
 - iv. the mediation 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 mediation 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) Where the Court 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, the Court may –

- 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, when asked to set aside a settlement agreement, may, where appropriate and so requested by a party, 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 mediator's opinion will eliminate the grounds for setting aside.

(6) Where an application is made to set aside a settlement agreement, the Court may 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.

60. The Court may, where it makes an order setting aside a settlement agreement or a part thereof under section 58, 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 any action, including the time within which such action shall be brought, by any party to the mediation agreement concerning any matter which was the subject of the settlement agreement which was set aside by the Court.

Power to make regulations.

61. The Board may make Regulations by statutory instrument to–

- a. govern its own procedures;
- b. prescribe requirements to be complied with by an approved mediation agency;
- 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 programmes;
- f. provide for the process, procedure and standards for accreditation of mediation training programmes;

- 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 programmes not accredited under section 16;
- i. provide for the deregistration of certified mediators, certified trainers or accredited mediation training programmes;
- j. provide for the periodic renewal of registration of certified mediators, certified trainers, accredited mediation training agencies and approved mediation agencies;
- 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 the provisions of 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 Center;
- q. prescribe the role of traditional leaders in achieving the purposes of this Act; and

- Enactment of
“Code of
Ethics” and
“Disciplinary
Regulations”.

Made this day of 2025

FIRST SCHEDULE

[Section 20]

CODE OF ETHICS

Application 1. This Code of Ethics shall apply to certified mediators and is intended to assist and guide certified mediators in their conduct and to provide a framework within which mediation is conducted and regulated.

Interpretation 2. In this Code—
“Conflict of interests” means direct or indirect financial personal interests in the outcome of the dispute or an existing or past financial, business, professional, family or social relationship which is likely to affect the impartiality or reasonably create an appearance of partiality or bias;

“impartiality” means freedom from favouritism and bias either by words, action or by appearance and implies a commitment to serve all mediation parties as opposed to a single mediation party in moving towards or reaching agreement.

GENERAL RESPONSIBILITIES

General responsibilities of certified mediators.

3. Certified mediators shall—
- a) conduct themselves in a manner that will instill confidence in the mediation process, confidence in their integrity and confidence that disputes entrusted to them are handled in accordance with the highest ethical standards;
 - b) be responsible to the parties, to the profession, to the public and to themselves, and accordingly shall be honest and unbiased, act in good faith, be diligent, and not seek to advance their own interest, but rather the needs and interests of the mediation parties;
 - c) act fairly in dealing with the mediation parties, have no personal interests in the terms of the settlement, show no bias towards individuals or parties involved in the disputes and be certain that the mediation parties are informed of the process in which they are involved.

ETHICAL STANDARDS

Self-determination.

4. (1) The primary role of the mediator is to facilitate the voluntary resolution of a dispute.
- (2) The primary responsibility for the resolution of the dispute and the shaping of a settlement rests with the mediation parties.

(3) A mediator shall recognise that mediation is based on the principle of self-determination by the mediation parties and upon the ability of the mediation parties to reach a voluntary uncoerced agreement.

(4) A mediator shall request and encourage self-determination by the mediation parties in their decision whether, and on what terms, to resolve their dispute, and, subject to paragraph 13, shall refrain from being directive or judgmental regarding the issues in dispute and options for settlement.

(5) A mediator shall encourage mutual respect between the mediation parties, and shall take reasonable steps, subject to the principle of self-determination, to limit abuses of the mediation process.

(6) A mediator shall make the mediation parties aware, where appropriate, of the option and importance of consulting other professionals to assist the mediation parties in the making of informed decisions.

(7) When a mediator believes a mediation party does not understand or appreciate how an agreement may adversely affect legal rights or obligations, the mediator shall advise the mediation parties to seek independent professional advice.

(8) While a mediator may point out possible outcomes of a case, the mediator shall not offer a personal or professional opinion as to how the Court in which the case has been filed will resolve the dispute.

(9) A mediator shall not use during the mediation process any title or honorific to which he may be entitled.

Competence.

5. (1) A mediator shall mediate only when the mediator has the necessary qualifications, training and experience to enable him to satisfy the reasonable expectation of the mediation parties.

(2) A mediator shall acquire and maintain professional competence in mediation, and shall at all times strive to improve his professional skills and abilities by participating in relevant continuing education programmes.

(3) A mediator shall have information regarding his relevant training, education and experience available to the mediation parties.

Impartiality.

6. (1) A mediator shall provide mediation services only for those disputes in which he can be impartial with respect to all the mediation parties and the subject matter of the dispute.

(2) A mediator shall in words and action, maintain impartiality towards the mediation parties and where his impartiality is in question, shall decline to serve or shall withdraw from serving as a mediator.

(3) Where at any time prior to, or during the mediation process the mediator is unable to conduct the mediation process in an impartial manner, the mediator shall so inform, the Center, the mediation parties and shall withdraw from providing services, even if the mediation parties express no objection to the continuation of the mediator's services.

Confidentiality.

7. (1) A mediator shall discuss issues of confidentiality with the mediation parties before beginning the mediation process including, limitations on the scope of confidentiality and the extent of confidentiality provided in any private session that the mediator holds with a mediation party.

(2) All proceedings shall be confidential and the mediator shall not voluntarily disclose to anyone who is not a mediation party to the mediation process, any information obtained through the mediation process except, with the written consent of the mediation parties, or when the information discloses the commission of crime especially an actual or potential threat to human life or safety.

(3) In the cases referred to in subparagraph (2), the mediator shall advise the mediation parties, when appropriate to the mediation process, that the confidentiality of the mediation proceedings cannot necessarily be guaranteed.

Informed
consent.

8. (1) A mediator shall structure the mediation process so that the mediation parties make decisions based on sufficient information and knowledge.

(2) The mediator has an obligation to ensure that all mediation parties understand the nature of the process, the procedures, the particular role of the mediator and the mediation parties' relationship to the mediator.

(3) Where at any time the mediator believes that any mediation party is unable to understand the mediation process or participate fully in it, whether because of mental impairment, emotional disturbance,

intoxication, language barriers or other reasons, the mediator shall limit the scope of the mediation process in a manner consistent with the mediation party's ability to participate, and/or recommend that the mediation party obtain appropriate assistance in order to continue with the mediation process or shall terminate the mediation process.

Conflict of
interest.

9. (1) A mediator shall disclose all actual and potential conflict of interests known to him and thereafter shall withdraw from the mediation, if any mediation party objects to him continuing as mediator.

(2) Where the mediator determines that the conflict is so significant as to cast doubt on the integrity of the mediation process, the mediator shall withdraw from the process even if the mediation parties express no objection to the continuation of the mediator's services.

(3) Save with the consent of the mediation parties, and for a reasonable time under the particular circumstances, a mediator who also practises in another profession shall not establish a professional relationship in that other profession with one of the mediation parties, or any person or entity, in a substantially factually related matter.

(4) Subject to paragraph 13, a mediator shall limit himself solely to the role of mediator, and shall refrain from giving legal or therapeutic information or advice and otherwise engaging during mediation in counselling or advocacy.

(5) The duty to disclose conflict of interests shall be a continuing obligation throughout the mediation process.

Responsibility
of children in
family
mediation.

10. In family mediation, the mediator has a responsibility to promote the mediation parties' consideration of the interest of children in relation to the issues being mediated. The mediator also has a duty to assist the mediation parties to examine, apart from their own desires, the separate and individual needs of such children.

Fees.

11. (1) A mediator shall at the outset of the mediation process, fully disclose and explain the basis of compensation, fees and charges, if any, to the mediation parties.

(2) A mediator shall not enter into a fee agreement which is contingent upon the results of the mediation or the amount of the settlement but

may, however, specify in advance a minimum charge for a mediation session without violating this provision.

Advertising. 12. (1) A mediator shall not make untruthful or exaggerated claims about the mediation process, its costs and benefits, its outcome or the mediator's qualifications and abilities.

(2) All advertising shall honestly represent the services to be rendered and no claims of specific results or promises which apply to one party over another party should be made for the purpose of obtaining business.

(3) No commission, rebates, or other similar forms of remuneration shall be given or received by a mediator for the referral of clients.

Evaluating proceedings. 13. Unless the parties have agreed in writing before the commencement of the mediation session that they wish the mediator to evaluate or adjudicate upon the merits of their respective positions, as for example in procedures typically known as "early neutral evaluation" and "med-arbs", a certified mediator may not do so.

SECOND SCHEDULE

[Section 20]

DISCIPLINARY REGULATIONS

- Application. 1. (1) These disciplinary proceedings apply to complaints against any individual placed on the Register of Certified Mediators pursuant to section 7 of this Act.
- (2) Where a person is registered as a certified mediator such registration may be revoked for cause in accordance with these provisions.
- Disciplinary Panel. 2. (1) The Board shall appoint a Disciplinary Panel consisting of three members which shall be a standing committee, to hear and determine complaints against mediators.
- (2) The Disciplinary Panel shall consist of an Attorney-at-law of at least seven years standing and two certified mediators who shall not be members of the Board.
- Procedure. 3. (1) A complaint against a mediator hereafter called the mediator/respondent shall be in writing, signed by the complainant, and shall include the complainant's name, address and telephone number.
- (2) The complaint referred to in subparagraph (1), shall be mailed or delivered to the Board at its address and shall-
- a) identify the mediator/respondent; and
- b) make a short and plain statement of the conduct forming the basis of the complaint.
- (3) Subject to subparagraph 4, the complaint shall be made within thirty days of the conclusion of the mediation.
- (4) The Board in its discretion, for good cause, may extend the time limit within which the complaint may be made.
- (5) The Disciplinary Panel shall review the complaint to determine whether the allegations, if true, constitute a violation of the Code of Ethics.

(6) If the allegations made in the complaint, would not constitute a violation of the Code of Ethics, the complaint shall be dismissed and the complainant and the mediator/respondent shall be notified in writing.

(7) Where the Disciplinary Panel concludes that the allegations of the complaint if true, constitute a violation of the Code of Ethics, the Disciplinary Panel shall hear and determine the complaint and in all such cases, the Disciplinary Panel shall serve on the mediator/respondent, by personal service or by registered mail, a copy of the complaint, a request for a written response to the allegations and to any specific questions posed by the Disciplinary Panel.

(8) It shall not be considered a violation of section 12 of the Act or paragraph 5 of this Code of Ethics, for the mediator/respondent to disclose information acquired in mediation session if that information falls within section 12 (2) of the Mediation Act and except for good cause shown, if the mediator/respondent fails to respond to the complaint in writing within thirty days, the allegations shall be deemed admitted.

Referral of
complaint
to.

4. (1) The Disciplinary Panel may, in its discretion, refer the complainant and the mediator/respondent to mediation conducted by a volunteer mediator to resolve the issues raised by the complainant.

(2) If the complaint is resolved through mediation, the Disciplinary Panel shall dismiss the complaint, unless the resolution includes sanctions to be imposed by the Disciplinary Panel in which case the Disciplinary Panel shall impose such sanctions.

(3) Where no agreement is reached in mediation, the Disciplinary Panel shall hear and determine the complaint.

Hearing.	<p>5. (1) At the hearing the parties may be represented by attorneys but the rules of evidence shall not be strictly applied.</p> <p>(2) The Disciplinary Panel at its own initiative, or by request of the parties, may request the attendance of witnesses and the production of documents and other evidentiary matter.</p>
Appeal.	<p>6. (1) A party may appeal the Disciplinary Panel's decision to an Appellate Panel consisting of not less than three members of the Mediation Board.</p> <p>(2) An appeal must be filed within forty-five days from the date of decision.</p>
Effect of criminal conviction.	<p>7. (1) Where it comes to the attention of the Board that a certified mediator has been convicted of a criminal offence, the Board may call upon such certified mediator to show cause why he should not be deregistered.</p> <p>(2) A certificate of conviction issued by the Court shall be sufficient evidence of the mediator's conviction for an offence.</p>
Sanctions.	<p>8. The Disciplinary Panel or the Appellate Panel may impose sanctions, including but not limited to—</p> <ul style="list-style-type: none"> a) the issue of a private reprimand; b) the designation of corrective action necessary for the mediator/respondent to remain on the register; c) notifying any approved mediation agency with which the mediator is affiliated of the complaint and the result of its disposition;

- d) the removal of the mediator/respondent from the register of certified mediators, with conditions for reinstatement if any.

Confidentiality. **9.** (1) All files, records, and proceedings of the Disciplinary Panel and the Appellate Panel that relate to or arise out of any complaint shall be confidential, except—

- a) as between the Board, members of the Disciplinary Panel, the Appellate Panel and staff;
- b) as otherwise required or permitted by rule or statute; and
- c) to the extent that the complainant and the mediator/respondent waive confidentiality.

(2) Where sanctions are imposed against the mediator/respondent pursuant to paragraphs *(b)* to *(d)* of paragraph 8 such sanctions shall be of public record, and the files of the Disciplinary Panel and the Appellate Panel shall remain confidential.