

Mediation

Parties in cases before the Tribunal may apply at any time during the proceedings for a short stay in order to seek to resolve their difference outside the Tribunal process through mediation or other form of alternative dispute resolution (ADR) service.

The purpose of mediation is to help parties in dispute to resolve their differences, in whole or in part, by agreement. It is a speedy and informal process in which an independent person (the mediator) assists the parties to see if they can reach agreement by viewing the issues in dispute between them in a number of different ways that may be broader than a legal perspective.

The success rate of mediation generally is high as are levels of user satisfaction. By promoting early settlement successful mediation saves the cost of proceeding to trial and other expenditure. Note however that timing can be important to the success of mediation; the parties need to understand each other's cases but not be so far down the path to litigation that they feel committed to continue the legal proceedings.

To best serve the needs of different Tribunal users the providers of two mediation schemes in operation in the courts offer their schemes directly to Tribunal users. Parties are free to make arrangements with any other provider of ADR services.

The National Mediation Helpline scheme is well suited for simple cases and those involving relatively small sums of money, because the process, time scale and fees are all moderate as is commensurate with this type of case. A more tailored and (therefore more costly) scheme provides an approach best suited for other types of cases. Please note that the fees charged by the mediation providers are in addition to and separate from the fees charged by the Lands Tribunal.

The National Mediation Helpline Scheme

Lands Tribunal users may make use of a telephone helpline, the National Mediation Helpline, for general information about mediation and the mediation process and to arrange a mediation. Further information can be obtained by phoning the National Mediation Helpline on 0845 60 30 809 or visiting the National Mediation Helpline website at:
www.nationalmediationhelpline.com/index.php.

Alternatively, the Tribunal can provide further information to parties about this scheme including a form to complete and return to the Tribunal should they wish to make use of this mediation scheme. Tribunal staff will pass that form on to the Helpline staff who in turn refer the enquiry to a mediation provider accredited by the Civil Mediation Council. The provider then makes direct contact with the parties to set up a mediation. Most mediations are arranged

within 24 hours and at the mediation most disputes are settled within a few hours.

Fees charged by the National Mediation Helpline for mediation services.¹

Amount in dispute	Fees per party*	Time allowed	Extra hours per party
Claim under £5,000	£50 + VAT; <i>or</i> £100 + VAT**	1 hour 2 hours	£50 + VAT per hour
Claim between £5,000 and £15,000	£300 + VAT	3 hours	£85 + VAT per hour
Claim between £15,000 and £50,000	£425 + VAT	4 hours	£95 + VAT per hour

For disputes involving claims above £50,000 the fee must be agreed on an individual basis with the mediation provider.

* Those on a low income may be eligible to a discounted or nil fee and should inform the Tribunal or Helpline adviser if they wish to request financial assistance. Applicants will be directed to an organisation that will deal with their request. Please note that applicants will be required to prove their financial status.

** The mediator/mediation provider should agree in advance whether a claim under £5,000 should be dealt with in one or two hours. For the one hour rate the option is available to facilitate settlement over the telephone if appropriate, and if the parties agree.

The Centre for Effective Dispute Resolution Scheme

Following the procedure applied in the Court of Appeal, for complex disputes and/or those with high amounts at stake, Lands Tribunal users also have access at a discounted rate to another private mediation provider, the Centre for Effective Dispute Resolution (CEDR). The Tribunal has agreed the composition of a panel of mediators with CEDR. Under the scheme, CEDR Solve liaises with the parties over mediation arrangements, nominates mediators from the panel and prepares a mediation agreement. Parties are free to terminate the mediation at any time without giving any reason.

General queries regarding mediation should be directed to CEDR Solve at:70 Fleet Street, London, EC4Y 1EU, Telephone 020 7536 6060. Further information is available on the CEDR website at:

http://www.cedr.co.uk/CEDR_Solve/. Alternatively, the Tribunal can provide more detailed written information to parties about this scheme including a form to complete and return to the Tribunal should they wish to be referred by the Tribunal to CEDR for mediation.

Fees

If parties are referred by the Tribunal, the fee for a mediation under this scheme, covering CEDR Solve's administrative work and four hours preparation and up to five hours attendance by the mediator is £850 plus VAT per party. Mediations can take place anywhere in England and Wales to suit the parties, and are expected almost always to be completed within three months of referral to CEDR.

¹ These fees are correct as at 1 September 2009.