

REPUBLIC OF CAPE VERDE
LEGISLATION ON
ON
MEDIATION CENTERS

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The strengthening of the quality of democracy and the deepening of the citizenship suggest building a system in which the administration of justice has to be characterized by greater accessibility, proximity, speed, economy, multiplicity, diversity, proportionality, informality, opportunity, visibility, communicability, intelligibility, equality, participation, legitimacy, responsibility and efficiency.

- a) Coordinate and superintend all the services pertaining to mediation;
- b) Designate the Mediators charged with responsibility to assist the parts in the resolution of the conflicts submitted to Law Firms, when the former do not proceed to the choice or do not agree on the mediator;
- c) Promote the collection of the registration fees, mediator honoraries, the administrative charges and other expenses resulting from the mediation due and not paid by any of the parts.

2 – The coordinator should see to have the Mediators collaborate with the center, in the respective Mediation processes, comply with the ethical norms defined in the Mediation Decree-Law, in the Mediators Ethical and Deontological Regulation, suspending the mediation immediately whenever one of these norms have been violated.

3 – The Center's regulation may determine that the coordinator, with prior agreement of the parts, may attend as observer to one or mediation sessions.

Article 7

Administrative charges and mediators' honoraries

1 – The remuneration attributed to the mediator who intervenes in the mediation center's mediation services is calculated under the terms of the articles that follow and of the attached tables.

2 – The mediation charges include the registration fee, the administrative charges, the mediators' expenses and the extraordinary expenses.

3 – The mediation charges are supported by the parts, in equal fractions, save for convention to the contrary.

4 – In the absence of stipulation expressly to the contrary the referred honoraries as well as the administrative charges, shall be supported by the parts, in equal proportions.

Article 8

Calculation

1 – The mediation costs are calculated in percentages, based on the value of the case.

2 – When, in the judgement of the Coordinator, the value of the case is either indeterminate or cannot be estimated, the value of the registration fee, the administrative charges or the mediator honoraries to be paid are calculated in accordance with the complexity of the matter and other circumstances deemed pertinent.

3 – The maximum limit of the expenses cannot exceed 1/5 of the value of the case.

Article 9

Registration fee

The mediation request must be accompanied by the payment of the registration fee, in a maximum amount corresponding to 3% (three per cent) of the judgement of the Tribunal.

Article 10°
Administrative charges

Article 14°
Deadline for the payment

- 1 – The parts must pay the mediators' ~~expenses~~ within three ~~days~~, counting from the date of their notification by the mediation centers, ~~save~~ another deadline is determined for it.
- 2 – The notification is accompanied by a document discriminating the expenses made by the mediators.

Article 15°
Consequences of non-payment of the costs

- 1 – In the absence of non-payment of any charges or honoraries ~~foreseen~~ in this law the mediation center may determine for ~~the~~ suspension of the mediation underway.
- 2 – However, any of the parts may sub-rev~~take~~ the part that defaulted in the payment of the costs, reserving the ~~right~~ to recover the amount paid.
- 3 – Once the payment is made, the medi~~ation~~ process shall follow its normal course.

Article 16
Atendimento e apoio administrativo

1. The mediation center's regulat~~ion~~ must define the organiza

2 – The Ministry of Justice shall fix, by ~~Finance~~ ~~Finance~~, the registration procedures and admissibility rules.

3 – The Ministry of Justice shall publish, ~~and~~ ~~and~~ the identification of the entities with credentials as mediation centers.

Article 19
Supervision

1 – It behooves the Ministry of Justice to ~~verify~~ ~~verify~~ for the respect of the provisions of this law, with the power to, ~~specifically~~ ~~specifically~~, determine the ~~extinction~~ ~~extinction~~ of the registration.

2 – In the case foreseen in the preceding ~~article~~ ~~article~~ the Minister of Justice may publish the extinction of the registration and the ~~suppression~~ ~~suppression~~ of the entity indicated in the publication foreseen in this law.

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