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## Mediation Insights:



**Churchill v Merthyr Tydfil County Borough Council –**  
Knotweed case will test existing ruling on compulsory mediation.

### **Churchill v Merthyr Tydfil County Borough Council – Knotweed case will test existing ruling on compulsory mediation.**

This week (8-10 November 2023) sees the case of *Churchill v Merthyr Tydfil County Borough Council*. Three judges this week will be hearing what many are seeing as a landmark case over the concept of compulsory mediation. Three dispute resolution bodies are aiming to overturn a 2004 Court of Appeal decision that determined that compelling parties to mediate was a breach of provisions in the European Convention on Human Rights that guarantee the right to a fair trial.

**Michel Kallipetis KC** is representing *Merthyr Tydfil County Borough Council* in this landmark case.

CMC, Ciarb and CEDR are intervening in the case of *Churchill v Merthyr Tydfil County Borough Council*.

**Rebecca Clark** current chair of the CMC is quoted in The Times today. Rebecca Clark says that it is important that the appeal court this week “is given evidence as to [alternative dispute resolution’s] efficacy and increasing popularity: mediation saves time, money and court resources”.

See The Times article here –

[Knotweed case will test existing ruling on compulsory mediation \(thetimes.co.uk\)](https://www.thetimes.co.uk/article/knotweed-case-will-test-existing-ruling-on-compulsory-mediation)