
STATUTORY INSTRUMENTS

2015 No. 1392

The Alternative Dispute Resolution for Consumer Disputes (Amendment) Regulations 2015

PART 3

Amendments to Primary Legislation

Amendments to the Limitation Act 1980

- 4.—(1) The Limitation Act 1980(1) is amended as follows.
- (2) In section 12(3) (special time limit for actions under Fatal Accidents legislation)(2), after “33A”, insert “, 33B”.
- (3) After section 33A (extension of time limits because of mediation in certain cross-border disputes)(3), insert—

“Alternative Dispute Resolution in certain cross border or domestic contractual disputes

33B Extension of time limits because of alternative dispute resolution in certain cross border or domestic contractual disputes

- (1) In this section—
- (a) “ADR Directive” means Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC;
 - (b) “ADR entity” has the meaning given by article 4(1)(h) of the ADR Directive;
 - (c) “ADR official” means an individual who (solely or with other persons) is involved in the provision of ADR procedures offered by an ADR entity, whether as a case handler or in a management capacity;
 - (d) “ADR procedure” has the meaning given by article 4(1)(g) of the ADR Directive;
 - (e) “non-binding ADR procedure” means an ADR procedure the outcome of which is not binding on the parties;
 - (f) “relevant dispute” means a dispute to which Article 12(1) of the ADR Directive applies (certain cross-border or domestic contractual disputes brought by a consumer against a trader).
- (2) Subsection (3) applies where—

(1) 1980 c. 58.

(2) Section 12 was amended by section 6(6) and paragraph 2 of Schedule 1 to the Consumer Protection Act 1987 (c.43) and regulation 24 of S.I. 2011/1133.

(3) Section 33A was inserted by regulation 26 of S.I. 2011/1133.

- (a) a time limit under this Act relates to the subject of the whole or part of a relevant dispute;
 - (b) a non-binding ADR procedure in relation to the relevant dispute starts before the time limit expires; and
 - (c) if not extended by this section, the time limit would expire before the non-binding ADR procedure ends or less than eight weeks after it ends.
- (3) For the purposes of initiating judicial proceedings, the time limit expires instead at the end of eight weeks after the non-binding ADR procedure ends (subject to subsection (4)).
- (4) If a time limit has been extended by this section, subsections (2) and (3) apply to the extended time limit as they apply to a time limit mentioned in subsection (2)(a).
- (5) Where more than one time limit applies in relation to a relevant dispute, the extension by subsection (3) of one of those time limits does not affect the others.
- (6) For the purposes of this section, a non-binding ADR procedure starts in relation to a relevant dispute on the date when the dispute is first sent or otherwise communicated to the ADR entity in accordance with the entity's rules regarding the submission of complaints.
- (7) For the purposes of this section, the non-binding ADR procedure ends on the date of the first of these to occur—
- (a) the parties reach an agreement in resolution of the relevant dispute;
 - (b) a party completes the notification of the other parties that it has withdrawn from the non-binding ADR procedure;
 - (c) a party to whom a qualifying request is made fails to give a response reaching the other parties within 14 days of the request;
 - (d) the ADR entity notifies the party that submitted the relevant dispute to the ADR entity that, in accordance with its policy, the ADR entity refuses to deal with the relevant dispute;
 - (e) after the parties are notified that the ADR entity can no longer act in relation to the relevant dispute (for whatever reason), the parties fail to agree within 14 days to submit the dispute to an alternative ADR entity;
 - (f) the non-binding ADR procedure otherwise comes to an end pursuant to the rules of the ADR entity.
- (8) For the purpose of subsection (7), a qualifying request is a request by a party that another (A) confirm to all parties that A is continuing with the non-binding ADR procedure.
- (9) In the case of any relevant dispute, references in this section to a non-binding ADR procedure are references to the non-binding ADR procedure so far as it relates to that dispute, and references to a party are to be read accordingly.”