



Digital Markets, Competition and Consumers Act 2024

2024 CHAPTER 13

PART 4

CONSUMER RIGHTS AND DISPUTES

CHAPTER 4

ALTERNATIVE DISPUTE RESOLUTION FOR CONSUMER CONTRACT DISPUTES

Interpretation of Chapter 4

PROSPECTIVE

291 Meaning of “ADR” and related terms

- (1) [This section](#) has effect for the purposes of this Chapter.
- (2) “ADR” means any method of securing or facilitating an out-of-court resolution of a consumer contract dispute that is carried out by an independent third party acting in relation to both parties to the dispute.
- (3) But the term “ADR” does not include anything carried out by a person in their capacity as—
 - (a) a judge, or
 - (b) a member of the staff of a court or tribunal.
- (4) The following are examples of ADR (if carried out as mentioned in [subsection \(2\)](#) in relation to a consumer contract dispute)—
 - (a) mediation;

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- (b) arbitration;
 - (c) early neutral evaluation;
 - (d) action under an ombudsman scheme.
- (5) In [subsection \(2\)](#) “resolution” includes—
- (a) a decision binding both parties;
 - (b) a decision which, if accepted by the consumer, binds the trader;
 - (c) settlement of the dispute between the parties.
- (6) “ADR provider” means a person who does either or both of the following—
- (a) carrying out ADR in relation to a consumer contract dispute, or
 - (b) making special ADR arrangements.
- (7) “Special ADR arrangements” are (subject to [subsection \(8\)](#)) arrangements made by an ADR provider with another person (whether or not that other person is an exempt or accredited ADR provider) for ADR to be carried out by that other person in relation to one or more consumer contract disputes.
- (8) Arrangements made by a person acting for only one of the parties to a consumer contract dispute are not special ADR arrangements.
- (9) For the meaning of “exempt ADR provider” and “exempt redress scheme” see [section 295](#).
- (10) “Accredited ADR provider” means a person who is for the time being accredited under this Chapter (whether or not their accreditation is limited to particular descriptions of ADR or special ADR arrangements).
- (11) In [this section](#) “judge” includes—
- (a) a member of a tribunal,
 - (b) a justice of the peace or, in Northern Ireland, a lay magistrate,
 - (c) a clerk or other officer entitled to exercise the jurisdiction of a court or tribunal, and
 - (d) a holder of any other public office with functions of a judicial nature.

Commencement Information

II S. 291 not in force at Royal Assent, see [s. 339\(1\)](#)

292 Other definitions

- (1) [This section](#) has effect for the purposes of this Chapter.
- (2) “Consumer contract” means (subject to the following provisions of this section) a contract between a trader and a consumer which is—
- (a) a contract to which Chapter 2 of Part 1 of CRA 2015 (contracts to supply goods) applies;
 - (b) a contract to which Chapter 3 of that Part (contracts to supply digital content) applies;
 - (c) a contract to which Chapter 4 of that Part (contracts to supply services) applies;

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- (d) a mixed contract, that is to say a contract to which any two or three of those Chapters apply (see section 1(3) and (4) of that Act).
- (3) The reference in [subsection \(2\)\(a\)](#) to a contract to which Chapter 2 of Part 1 of CRA 2015 applies includes a reference to—
- (a) a contract between a gas supplier and a consumer for the supply of gas to any premises;
 - (b) a contract deemed by paragraph 8(1) or (2) of Schedule 2B to the Gas Act 1986, or by section 12(1) or (2) of the Energy Act (Northern Ireland) [2011 \(c. 6 \(N.I.\)\)](#), to exist between a gas supplier and a consumer for the supply of gas to any premises;
 - (c) a contract between an electricity supplier and a consumer for the supply of electricity to any premises;
 - (d) a contract deemed to exist by paragraph 3(1) or (2) of Schedule 6 to the Electricity Act 1989 or by paragraph 3(1) or (2) of Schedule 6 to the Electricity (Northern Ireland) Order 1992 ([S.I. 1992/231 \(N.I.1\)](#));
 - (e) the terms applying as between a water supplier and a consumer in respect of the supply of water to any premises by a water supplier.
- (4) In [subsection \(3\)](#)—
- “electricity supplier” means a person who is authorised to supply electricity by a licence or exemption under Part 1 of the Electricity Act 1989 or Part 2 of the Electricity (Northern Ireland) Order 1992;
- “gas supplier” means a person who is authorised to supply gas by a licence or exemption under Part 1 of the Gas Act 1986 or Part 2 of the Gas (Northern Ireland) Order 1996 ([S.I. 1996/275 \(N.I.2\)](#));
- “water supplier” means—
- (a) a water undertaker or a water supply licensee within the meaning of the Water Industry Act 1991,
 - (b) a person supplying water under a water services licence within the meaning of the Water Services etc. (Scotland) Act [2005 \(asp 3\)](#), or
 - (c) a water undertaker within the meaning of the Water and Sewerage Services (Northern Ireland) Order 2006 ([S.I. 2006/3336 \(N.I.21\)](#)).
- (5) The reference in [subsection \(2\)\(c\)](#) to a contract to which Chapter 4 of CRA 2015 applies includes a contract between a heat supplier and a consumer for the supply of heating, cooling or hot water by means of thermal energy provided from a heat network.
- (6) In [subsection \(5\)](#)—
- “heat network” has the meaning given by section 216 of the Energy Act 2023, and
- “heat supplier” means a person who charges for making a supply of heating, cooling or hot water by means of thermal energy provided from a heat network.
- (7) In the application of provisions of Part 1 of CRA 2015 for determining whether a contract is a consumer contract for the purposes of this Chapter, the following provisions are to be disregarded—
- (a) section 32(2) (provisions excluded from the operation of section 32(1));
 - (b) section 48(5) (power to exclude services from scope of Chapter 4 of Part 1).

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Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024, Cross Heading: Interpretation of Chapter 4. (See end of Document for details)

- (8) The Secretary of State may by regulations provide that contracts of a description specified in the regulations are excluded from being consumer contracts for the purposes of this Chapter.
- (9) The power in subsection (8) includes power to provide that the exclusion only applies in circumstances specified in the regulations.
- (10) Regulations under subsection (8) are subject to the affirmative procedure.
- (11) “Consumer contract dispute” means a dispute between the parties to a consumer contract which relates to the contract, including a dispute concerning—
- (a) anything done by either party before making the contract,
 - (b) the making of the contract,
 - (c) obligations under or relating to the contract, or
 - (d) the performance by either party of their obligations under or relating to the contract.
- (12) In [subsection \(11\)](#) “dispute” means a legal dispute, that is to say one which may be determined by a court or tribunal in proceedings brought by either of the parties to the contract.
- (13) The “parties” to a consumer contract, or a consumer contract dispute, are the consumer and the trader.
- (14) The following terms have the meaning given by section 2 of CRA 2015—
- “consumer”
 - “goods”
 - “trader”.

But in interpreting the term “consumer” section 2(4) to (6) of that Act is to be disregarded.

Commencement Information

I2 S. 292 in force at Royal Assent for specified purposes, see [s. 339\(2\)\(c\)](#)

Status:

This version of this cross heading contains provisions that are prospective.

Changes to legislation:

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