
Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Digital Markets, Competition and Consumers Act 2024, Schedule 26. (See end of Document for details)

SCHEDULES

PROSPECTIVE

SCHEDULE 26

Section 301

ACCREDITATION CRITERIA

PART 1

THE CRITERIA APPLICABLE TO AN ACCREDITED ADR PROVIDER

Criterion 1: information for consumers

- 1 (1) The ADR provider provides consumers generally with accessible information about the ADR that it carries out or for which it makes special ADR arrangements.
- (2) The information provided should include (among other things) information about—
- (a) the kinds of ADR it carries out or for which it makes special ADR arrangements (including the possible outcomes of each kind);
 - (b) the types of dispute it deals with (whether by carrying out ADR or making special ADR arrangements);
 - (c) the procedures adopted in relation to ADR carried out by it or for which it makes special ADR arrangements;
 - (d) any fees or costs payable by either party to a dispute that is referred for ADR.

Commencement Information

I1 Sch. 26 para. 1 not in force at Royal Assent, see [s. 339\(1\)](#)

Criterion 2: readiness to carry out ADR

- 2 The ADR provider does not unreasonably refuse to carry out ADR or, as the case may be, to make special ADR arrangements, in relation to disputes referred to it.

Commencement Information

I2 Sch. 26 para. 2 not in force at Royal Assent, see [s. 339\(1\)](#)

Criterion 3: expertise

- 3 The ADR provider has appropriate knowledge and skills—
- (a) for carrying out the ADR that it carries out, in relation to the disputes it deals with, or

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(b) for making the special ADR arrangements that it makes.

Commencement Information

I3 Sch. 26 para. 3 not in force at Royal Assent, see [s. 339\(1\)](#)

Criterion 4: facilities for consumers and traders to participate

- 4 (1) The ADR provider provides accessible means for consumers to refer disputes to it.
- (2) The ADR provider or, as the case may be, any other ADR provider with whom it makes special ADR arrangements, ensures there are accessible means for the parties to participate in the ADR carried out in relation to their dispute.

Commencement Information

I4 Sch. 26 para. 4 not in force at Royal Assent, see [s. 339\(1\)](#)

Criterion 5: fair ADR procedures

- 5 (1) The ADR provider or, as the case may be, any other ADR provider with whom it makes special ADR arrangements, adopts and follows fair procedures in carrying out ADR.
- (2) The procedures adopted should, in particular, be easy to use, transparent, non-discriminatory and effective.
- (3) They should include procedures for securing that each party to a dispute referred for ADR—
- (a) has a reasonable opportunity—
 - (i) to express its point of view in relation to the matters in dispute and the outcome it seeks;
 - (ii) to consider the views, arguments and evidence put forward by the other party;
 - (b) is entitled to be represented or assisted by another person (and that it is immaterial whether or not that person is legally qualified).

Commencement Information

I5 Sch. 26 para. 5 not in force at Royal Assent, see [s. 339\(1\)](#)

Criterion 6: independence and impartiality

- 6 (1) The ADR provider or, as the case may be, any other ADR provider with whom it makes special ADR arrangements, acts independently and impartially before, and while, it carries out ADR.
- (2) The action to be taken should include—
- (a) following appropriate procedures for identifying, and avoiding, any conflict of interest before carrying out ADR in relation to a dispute;

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- (b) taking steps to avoid conflicts of interest that may arise before, or while, it carries out ADR in relation to a dispute.

Commencement Information

I6 Sch. 26 para. 6 not in force at Royal Assent, see [s. 339\(1\)](#)

Criterion 7: information for parties

- 7 (1) The ADR provider or, as the case may be, any other ADR provider with whom it makes special ADR arrangements keeps the parties to a dispute informed about the conduct and progress of any ADR being carried out.
- (2) The action to be taken includes notifying the parties promptly in writing of the outcome of the ADR and, where applicable, of the grounds on which any decision has been reached.

Commencement Information

I7 Sch. 26 para. 7 not in force at Royal Assent, see [s. 339\(1\)](#)

PART 2

SUPPLEMENTARY

- 8 The following provisions have effect for the interpretation or application of [this Schedule](#).

Commencement Information

I8 Sch. 26 para. 8 not in force at Royal Assent, see [s. 339\(1\)](#)

- 9 The accreditation criteria only apply to the ADR provider so far as it is reasonable to regard them as applicable—
- (a) in relation to ADR of a kind that is carried out by the ADR provider or, as the case may be, by any other ADR provider with whom the ADR provider makes special ADR arrangements, or
- (b) in relation to activities of the ADR provider in, or in connection with, making special ADR arrangements.

Commencement Information

I9 Sch. 26 para. 9 not in force at Royal Assent, see [s. 339\(1\)](#)

- 10 “Procedures”, in relation to ADR, means any rules, requirements or practices relating to the carrying out of ADR, including—
- (a) any time limits for referring disputes for ADR;
- (b) any conditions or other requirements to be met by either (or both) of the parties before, or while, ADR is being carried out;

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Commencement Information

I10 Sch. 26 para. 10 not in force at Royal Assent, see [s. 339\(1\)](#)

11 “Dispute” means a consumer contract dispute.

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Commencement Information

I11 Sch. 26 para. 11 not in force at Royal Assent, see [s. 339\(1\)](#)

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