
STATUTORY INSTRUMENTS

2015 No. 542

**The Alternative Dispute Resolution for Consumer Disputes
(Competent Authorities and Information) Regulations 2015**

PART 1

General

Citation and commencement

1.—(1) These Regulations may be cited as the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015.

(2) Parts 1 to 3 come into force on 7th April 2015.

(3) Parts 4 and 5 come into force on 9th July 2015.

Review

2.—(1) The Secretary of State must from time to time—

- (a) carry out a review of these Regulations,
- (b) set out the conclusions of the review in a report, and
- (c) publish the report.

(2) In carrying out the review, the Secretary of State must, so far as is reasonable, have regard to how Directive 2013/11/EU of the European Parliament and of the Council of 21st May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC(1) is implemented in other Member States.

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by these Regulations,
- (b) assess the extent to which those objectives have been achieved, and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved in a way that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which Parts 1 to 3 of these Regulations come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

“Consumer” and “trader”

3. In these Regulations—

(1) OJ No L 165 18.6.2013, p63.

“consumer” means an individual acting for purposes which are wholly or mainly outside that individual’s trade, business, craft or profession;

“trader” means a person acting for purposes relating to that person’s trade, business, craft or profession, whether acting personally or through another person acting in the trader’s name or on the trader’s behalf.

“ADR entity”

4. In these Regulations “ADR entity” means a body whose name appears on a list maintained in accordance with regulation 10.

Other definitions

5. In these Regulations—

“ADR applicant” means a body who wishes to become an ADR entity;

“ADR official” means an individual employed, contracted or appointed by an ADR entity to oversee its alternative dispute resolution procedure, whether as a case-handler or in a management capacity;

“competent authority” means the Secretary of State or a body specified in the first column of Part 1 or Part 2 of Schedule 1;

“cross-border dispute” means a dispute concerning contractual obligations arising from a sales contract or a service contract where, at the time the consumer orders the goods or services, the trader is established in the United Kingdom and the consumer is resident in another member State;

“domestic dispute” means a dispute concerning contractual obligations arising from a sales contract or a service contract where, at the time the consumer orders the goods or services, the consumer is resident, and the trader is established, in the United Kingdom;

“durable medium” means paper or email, or any other medium that—

- (a) allows information to be addressed personally to the recipient,
- (b) enables the recipient to store the information in a way accessible for future reference for a period that is long enough for the purposes of the information, and
- (c) allows the unchanged reproduction of the information stored;

“sales contract” means a contract under which a trader transfers or agrees to transfer the ownership of goods to a consumer, and the consumer pays or agrees to pay the price, including any contract that has both goods and services as its object;

“service contract” means a contract, other than a sales contract, under which a trader supplies, or agrees to supply a service to a consumer and the consumer pays, or agrees to pay, the price;

“single point of contact” means the person designated in regulation 17.

Interpretation

6. In regulation 5 a trader is “established”—

- (a) if the trader is an individual, where the trader has his or her place of business;
- (b) if the trader is a company or other legal person or an association of persons, where it has its statutory seat, central administration or place of business, including a branch, agency or any other establishment.

Contracts to which these Regulations do not apply

7. These Regulations do not apply to a contract to the extent that it is for health services provided by health professionals to patients to assess, maintain or restore their state of health, including the prescription, dispensation and provision of medicinal products and medical devices (and “health professionals” has the meaning given by Article 3(f) of Directive 2011/24/EU of the European Parliament and of the Council on the application of patients’ rights in cross-border healthcare)⁽²⁾.

(2) OJ L 88, 4.4.2011, p. 45.