
STATUTORY INSTRUMENTS

2015 No. 1392

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

PART 4

Amendments to other Secondary Legislation

Amendments to the Limitation (Northern Ireland) Order 1989

8. After Article 51A of the Limitation (Northern Ireland) Order 1989(1) insert—

“Extension of time limits: Non-binding ADR procedure

51B.—(1) Paragraph (2) applies where—

- (a) there is a non-binding ADR procedure in relation to a relevant dispute giving rise to an action for which a time limit is fixed by this Order; and
- (b) the time limit would, apart from this Article, expire—
 - (i) after the date on which the non-binding ADR procedure starts but before the date that such a procedure ends;
 - (ii) on the date on which the non-binding ADR procedure ends; or
 - (iii) in the period of 8 weeks after the date on which the non-binding ADR procedure ends.

(2) Where this paragraph applies, the time limit is extended so that it expires on the date falling 8 weeks after the date on which the non-binding ADR procedure ends.

(3) For the purposes of this Article, 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.

(4) For the purposes of this Article, 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- (b) a party completes the notification of the other parties that it has withdrawn from the non-binding ADR procedure;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) that 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;

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- (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.

(5) In this Article—

“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;

“ADR entity” has the meaning given by article 4(1)(h) of the ADR Directive;

“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;

“ADR procedure” has the meaning given by article 4(1)(g) of the ADR Directive;

“non-binding ADR procedure” means an ADR procedure the outcome of which is not binding on the parties;

“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;

“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).”.

Amendments to the Enterprise Act 2002 (Part 8 Community Infringements Specified UK Laws) Order 2003

9.—(1) The Enterprise Act 2002 (Part 8 Community Infringements Specified UK Laws) Order 2003(2) is amended as follows.

- (2) In the heading before article 2, after “Directives” insert “, Regulations”.
- (3) In article 3 after “Directives” insert “, listed Regulations”.
- (4) In the Schedule (listed Directives)—
 - (a) in the title after “Directives” insert “and Regulations”;
 - (b) in the heading for the first column after “Directives” insert “and Regulations”;
 - (c) at the end insert—

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| “Article 13 of 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) 2006/2004 and Directive 2009/22/EC | Regulation 19(1) and (2) of the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015 |
| Article 14 of Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) 2006/2004 and Directive 2009/22/EC | Regulation 19A(1) to (4) of the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015” |

(2) S.I. 2003/1374; amended by S.I. 2004/2095, 2005/2418, 2008/1277, 2008/1816, 2010/1010, 2010/2960, 2011/1208, 2012/1916 and 2013/472.

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