Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2015 No. 542

CONSUMER PROTECTION

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

Made - - - -	*16th March 2015*
Laid before Parliament	*17th March 2015*
Coming into force	
for the purposes of Parts 1 to 3	*7th April 2015*
for the purposes of Parts 4 & 5	*9th July 2015*

The Secretary of State, as a Minister designated for the purposes of section 2(2) of the European Communities Act 1972 [F1], in relation to matters relating to consumer protection [F2], makes the following Regulations in exercise of the powers conferred by section 2(2) of that Act.

F1 1972 c.68.
F2 Article 2 of, and the Schedule to, The European Communities (Designation) (No. 3) Order 1993 (S.I. 1993/2661).

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 **[**[F3]1st October 2015**]**.

F3 Words in reg. 1(3) substituted (9.7.2015) by The Alternative Dispute Resolution for Consumer Disputes (Amendment) Regulations 2015 (S.I. 2015/1392), regs. 1(2), **2(3)**

Review

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

(a) carry out a review of these Regulations **[**F4and the amendments to legislation made by Parts 3 and 4 of the Alternative Dispute Resolution for Consumer Disputes (Amendment) Regulations 2015**]**,

(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**[**F5**]**[F6, and 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) No 2006/2004 and Directive 2009/22/EC are implemented**]** in other Member States.

(3) The report must in particular—

(a) set out the objectives intended to be achieved by these Regulations **[**F7and the amendments to legislation made by Parts 3 and 4 of the Alternative Dispute Resolution for Consumer Disputes (Amendment) Regulations 2015**]**,

(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.

F4 Words in reg. 2(1)(a) inserted (9.7.2015) by The Alternative Dispute Resolution for Consumer Disputes (Amendment) Regulations 2015 (S.I. 2015/1392), regs. 1(2), **2(4)(a)**

F5 OJ No L 165 18.6.2013, p63.

F6 Words in reg. 2(2) substituted (9.7.2015) by The Alternative Dispute Resolution for Consumer Disputes (Amendment) Regulations 2015 (S.I. 2015/1392), regs. 1(2), **2(4)(b)**

F7 Words in reg. 2(3)(a) inserted (9.7.2015) by The Alternative Dispute Resolution for Consumer Disputes (Amendment) Regulations 2015 (S.I. 2015/1392), regs. 1(2), **2(4)(c)**

"Consumer" and "trader"

3. In these Regulations—

"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 **[**F8person**]** whose name appears on a list maintained in accordance with regulation 10.

F8 Word in Instrument substituted (9.7.2015) by The Alternative Dispute Resolution for Consumer Disputes (Amendment) Regulations 2015 (S.I. 2015/1392), **reg. 2(2)**

Other definitions

5. In these Regulations—

"ADR applicant" means a **[**F8person**]** who wishes to become an ADR entity;

[F9"ADR official" means an individual who (solely or with other persons) is involved in the provision of alternative dispute resolution procedures offered by an ADR entity, or ADR applicant, whether as a case handler or in a management capacity;**]**

"competent authority" means the Secretary of State or a **[**F8person**]** specified in the first column of Part 1 or Part 2 of Schedule 1;

[F10"complete complaint file" means all the relevant information relating to a dispute**]**

"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;

[F11"ODR platform" means a European online dispute resolution platform established under Article 5 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;**]**

"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.

F8 Word in Instrument substituted (9.7.2015) by The Alternative Dispute Resolution for Consumer Disputes (Amendment) Regulations 2015 (S.I. 2015/1392), **reg. 2(2)**

F9 Definition in reg. 5 substituted (9.7.2015) by The Alternative Dispute Resolution for Consumer Disputes (Amendment) Regulations 2015 (S.I. 2015/1392), regs. 1(2), **2(5)(a)**

F10 Definition in reg. 5 inserted (9.7.2015) by The Alternative Dispute Resolution for Consumer Disputes (Amendment) Regulations 2015 (S.I. 2015/1392), regs. 1(2), **2(5)(b)**

F11 Definition in reg. 5 inserted (9.1.2016) by The Alternative Dispute Resolution for Consumer Disputes (Amendment) Regulations 2015 (S.I. 2015/1392), regs. 1(2), **2(5)(c)**

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) [F12].

F12 OJ L 88, 4.4.2011, p. 45.

PART 2

Competent Authorities and ADR Entities

Functions and designation of competent authorities

8.—(1) A competent authority must perform the functions set out in this Part.

(2) Each **[**[F8]person**]** specified in the first column of Part 1 of Schedule 1 is—

(a) a competent authority for the purposes of these Regulations, and

(b) the relevant competent authority in relation to alternative dispute resolution services offered by the **[**[F8]person**]** specified alongside it in the second column of Part 1 of Schedule 1.

(3) Subject to paragraph (2), each **[**[F8]person**]** specified in Part 2 of Schedule 1 is—

(a) a competent authority for the purposes of these Regulations in relation to the area for which it has regulatory responsibility or any area for which it has oversight under any enactment, and

(b) the relevant competent authority in relation to an ADR entity or ADR applicant which offers alternative dispute resolution services in that area.

(4) The Secretary of State is the relevant competent authority in relation to—

(a) alternative dispute resolution services offered by the Pensions Ombudsman, and

(b) an ADR entity or ADR applicant which offers alternative dispute resolution services in an area other than one referred to in paragraph (3).

F8 Word in Instrument substituted (9.7.2015) by The Alternative Dispute Resolution for Consumer Disputes (Amendment) Regulations 2015 (S.I. 2015/1392), **reg. 2(2)**

[[F13]Consumer information regarding the ODR platform

8A. A competent authority must provide a link to the ODR platform on its website.**]**

F13 Reg. 8A inserted (9.1.2016) by The Alternative Dispute Resolution for Consumer Disputes (Amendment) (No. 2) Regulations 2015 (S.I. 2015/1972), regs. 1, **7(2)**

Assessment of application to become an ADR entity

9.—(1) An ADR applicant may apply to the relevant competent authority to become an ADR entity.

(2) The ADR applicant must supply with an application—

(a) the information in Schedule 2; and

(b) such other information as the competent authority may require in order to assess whether the ADR applicant meets the requirements in Schedule 3.

(3) The information referred to in paragraph (2) must be provided in such form as the competent authority may require.

(4) The competent authority may only approve an application if it is satisfied that—

F14(a) . . . . . .

(b) the requirements in Schedule 3—

(i) have been met by the ADR applicant, or

(ii) will be met by the ADR applicant within a reasonable period of time of the application being granted.

(5) Where—

(a) an enactment contains the power for a competent authority to impose additional requirements which go beyond those set out in Schedule 3, and

(b) such requirements, including issuing binding solutions on traders, are imposed for the purpose of ensuring a higher level of consumer protection,

such requirements shall be deemed to be included in Schedule 3 for the purposes of this regulation, regulations 12 and 13(1) and (2) and paragraph (i) of Schedule 2.

(6) Where an application is approved, the competent authority must as soon as is reasonably practicable give written notice to the ADR applicant.

(7) Where an application is rejected, the competent authority must as soon as is reasonably practicable give written notice of this fact to the ADR applicant, which must include the grounds on which it has rejected the application.

F15(8) . . . . . .

F14 Reg. 9(4)(a) omitted (9.7.2015) by virtue of The Alternative Dispute Resolution for Consumer Disputes (Amendment) Regulations 2015 (S.I. 2015/1392), regs. 1(2), **2(6)**

F15 Reg. 9(8) omitted (9.7.2015) by virtue of The Alternative Dispute Resolution for Consumer Disputes (Amendment) Regulations 2015 (S.I. 2015/1392), regs. 1(2), **2(6)**

Listing of ADR entities

10.—(1) A competent authority must maintain a list of the ADR applicants which have been approved by it to become an ADR entity under regulation 9(4) and that list must include the information in Schedule 4 in respect of each ADR applicant.

(2) A competent authority must, without undue delay following compilation of a list, send the list to the single point of contact.