
STATUTORY INSTRUMENTS

2015 No. 1392

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

PART 3

Amendments to Primary Legislation

Amendments to the Foreign Limitation Periods Act 1984

5.—(1) The Foreign Limitation Periods Act 1984⁽¹⁾ is amended as follows.

(2) In section 1(1)(a) (application of foreign limitation law)⁽²⁾, for “section 1A” substitute “sections 1A and 1B”.

(3) After section 1A (extension of limitation periods because of mediation of certain cross-border disputes)⁽³⁾, insert—

“1B Extension of limitation periods because of alternative dispute resolution in certain cross-border or domestic contractual disputes

(1) In this section—

- (a) “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;
- (b) “ADR entity” has the meaning given by article 4(1)(h) of the ADR Directive;
- (c) “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;
- (d) “ADR procedure” has the meaning given by article 4(1)(g) of the ADR Directive;
- (e) “non-binding ADR procedure” means an ADR procedure the outcome of which is not binding on the parties;
- (f) “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).

(2) Subsection (3) applies where—

- (a) a limitation period prescribed by any law applicable by virtue of section 1(1)(a) relates to the subject of the whole or part of a relevant dispute;
- (b) a non-binding ADR procedure in relation to the relevant dispute starts before the period expires; and

⁽¹⁾ 1984 c.16.

⁽²⁾ Section 1 was amended by regulation 28 of S.I. 2011/1133.

⁽³⁾ Section 1A was inserted by regulation 29 of S.I. 2011/1133.

(c) if not extended by this section, the period would expire before the non-binding ADR procedure ends or less than eight weeks after it ends.

(3) For the purposes of initiating judicial proceedings, the limitation period expires instead at the end of eight weeks after the non-binding ADR procedure ends (subject to subsection (4)).

(4) If a limitation period has been extended by this section, subsections (2) and (3) apply to the extended limitation period as they apply to a limitation period mentioned in subsection (2) (a).

(5) For the purposes of this section, 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.

(6) For the purposes of this section, 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) 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;
- (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.

(7) For the purpose of subsection (6), a 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.

(8) In the case of any relevant dispute, references in this section to a non-binding ADR procedure are references to the non-binding ADR procedure so far as it relates to that dispute, and references to a party are to be read accordingly.

(9) This section is without prejudice to any enactment which has effect for the purposes of provisions—

- (a) relating to limitation or prescription periods, and
- (b) contained in an international agreement to which the United Kingdom is a party.”.