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STATUTORY INSTRUMENTS

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**2015 No. 1392**

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

**PART 3**

**Amendments to Primary Legislation**

**Amendments to the Prescription and Limitation (Scotland) Act 1973**

**3.—**(1) The Prescription and Limitation (Scotland) Act 1973<sup>(1)</sup> is amended as follows.

(2) In section 14 (computation of prescriptive periods)<sup>(2)</sup>—

(a) after subsection (1C) insert—

“(1D) The prescriptive period calculated in relation to a relevant consumer dispute for the purposes of any provision of this Part of this Act is extended where the last day of the period would, apart from this subsection fall—

- (a) after the date when the non-binding ADR procedure starts but before the date that such a procedure ends;
- (b) on the date that a non-binding ADR procedure in relation to the dispute ends; or
- (c) in the 8 weeks after the date that a non-binding ADR procedure in relation to the dispute ends.

(1E) Where subsection (1D) applies, the prescriptive period is extended so that it expires on the date falling 8 weeks after the date on which the non-binding ADR procedure ends.

(1F) For the purposes of subsections (1D)(a) and (1E), 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.

(1G) For the purposes of subsections (1D) and (1E), a non-binding ADR procedure ends on the date that any of the following occurs—

- (a) all of the parties reach an agreement in resolution of the relevant consumer 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- (b) a party completes the notification of the other parties that it has withdrawn from the non-binding ADR procedure;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;

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<sup>(1)</sup> 1973 c. 52.

<sup>(2)</sup> Section 14 was amended by paragraph 6 of Schedule 1 to the Prescription and Limitation Act 1984 (c.45) and regulation 5(2), (3)(a) and (b) of S.I. 2011/234.

- (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 consumer 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.”;
- (b) in subsection (2), at the relevant places insert the following definitions—
- ““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 consumer 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);”.