

25 September 2015 (updated 30 April 2018)

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

Required Knowledge and Skills

Under the ADR regulations Schedule 3(3)(a) “Expertise, Independence and Impartiality” an ADR entity must ensure that “an ADR official possesses a general understanding of the law and the necessary knowledge and skills relating to the out-of-court or judicial resolution of consumer disputes, to be able to carry out his or her functions competently”. In our guidance for ADR applicants we have committed to maintaining a webpage of consumer protection legislation pertaining to the types of disputes which ADR must cover. This document constitutes that webpage via a link from the CAA website.

Legislation

- EC Regulation 261/2004 on the rights of passengers in the event of denied boarding, cancellations or long delays¹
- EC Regulation 1107/2006 on the rights of passengers with disabilities/reduced mobility when travelling by air²
- The Civil Aviation (Access to Air Travel for Disabled Persons and Persons with Reduced Mobility) Regulations 2014 (see specifically Regulation 24, which covers compensation claims by disabled persons for a damages award)³
- EC Regulation 1008/2008 on common rules for the operation of air services in the EU (see specifically Article 23)⁴
- EC Regulation 2111/2005 on, amongst other things, informing air transport passengers of the identity of the operating air carrier (see specifically Chapter III)⁵
- The Consumer Protection from Unfair Trading Regulations 2008, which prohibit commercial practices that contravene the requirements of professional diligence, misleading actions, misleading omissions, aggressive commercial practices⁶
- The Consumer Rights Act 2015⁷
- The Electronic Commerce (EC Directive) Regulations 2002⁸
- The Consumer Rights (Payment Surcharges) Regulations 2012⁹

¹ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2004.046.01.0001.01.ENG

² http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2006.204.01.0001.01.ENG

³ http://www.legislation.gov.uk/uksi/2014/2833/pdfs/uksi_20142833_en.pdf

⁴ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008R1008&from=EN>

⁵ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32005R2111&from=EN>

⁶ <https://www.legislation.gov.uk/uksi/2008/1277/contents/made>

⁷ <http://www.legislation.gov.uk/ukpga/2015/15/contents/enacted>

⁸ <http://www.legislation.gov.uk/uksi/2002/2013/contents/made>

⁹ <http://www.legislation.gov.uk/uksi/2012/3110/contents/made>

- The Payment Services Regulations 2017¹⁰
- Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013¹¹
- Package Travel, Package Holidays and Package Tour Regulations 1992¹²
- The Montreal Convention 1999¹³

Guidance

- The CAA and CMA (formerly the OFT) have published joint “Guidance on the requirements of consumer law applicable to the sale and advertising of flights and holidays”¹⁴
- Transport and service providers are subject to the Equality Act 2010. The Equality and Human rights Commission has published advice and guidance on the Equality Act 2010¹⁵
- The CMA has published guidance on the unfair terms provisions in the Consumer Rights Act 2015¹⁶
- There may also be occasions when human rights considerations impact upon dispute handling and so an awareness and understanding of the of the Human Rights Act 1998 Article 6 right to a fair hearing would be beneficial

¹⁰ <http://www.legislation.gov.uk/uksi/2017/752/contents/made>

¹¹ <http://www.legislation.gov.uk/uksi/2013/3134/made#f00009>

¹² <http://www.legislation.gov.uk/uksi/1992/3288/contents/made>

¹³ https://www.iata.org/policy/Documents/MC99_en.pdf

¹⁴ <http://www.caa.co.uk/docs/33/CAP1015CAAOFTEApplicableConsumerLawGuidance.pdf>

¹⁵ <https://www.equalityhumanrights.com/en/equality-act/equality-act-faqs>

¹⁶

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/450440/Unfair_Terms_Main_Guidance.pdf