



House of Commons
European Statutory
Instruments Committee

**Fourth Report of
Session 2019–21**

**Documents considered by the
Committee on 5 May 2020**

Drawing attention to:

The Alternative Dispute Resolution for Consumer Disputes
(Extension of Time Limits for Legal Proceedings) (Amendment
etc.) (EU Exit) Regulations 2020

*Report, together with
formal minutes*

*Ordered by the House of Commons
to be printed 5 May 2020*

European Statutory Instruments Committee

The European Statutory Instruments Committee is appointed by the House of Commons to examine and report on:

(a) any of the following documents laid before the House of Commons in accordance with paragraph 3(3)(b) or 17(3)(b) of Schedule 7 to the European Union (Withdrawal) Act 2018—

- (i) a draft of an instrument; and
- (ii) a memorandum setting out both a statement made by a Minister of the Crown to the effect that in the Minister's opinion the instrument should be subject to annulment in pursuance of a resolution of either House of Parliament (the negative procedure) and the reasons for that opinion, and

(b) any matter arising from its consideration of such documents.

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Powers

The Committee's powers are set out under a temporary Standing Order of 3 February 2020.

Publications

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Committee staff

The current staff of the Committee are Elektra Garvie Adams (Second Clerk), Sue Beeby and Apostolos Kostoulas (Committee Assistants), and Luanne Middleton (Clerk). Advisory Counsel: Klara Banaszak, Daniel Greenberg and Vanessa MacNair.

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You can follow the Committee on Twitter using [@CommonsESIC](https://twitter.com/CommonsESIC).

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1 Meeting summary

1.1 At its meeting on 5 May 2020 the Committee noted and welcomed the Government's confirmation that it had accepted the Committee's recommendations and would lay the following instrument under the affirmative procedure:

- i. BEIS—The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) (EU Exit) Regulations 2020

Instruments recommended for the affirmative procedure

At its meeting on 5 May 2020 the Committee considered proposed negative instruments laid by the Government and has recommended that the appropriate procedure for the following instrument is for a draft of it to be laid before, and approved by a resolution of, each House of Parliament before it is made (i.e. the affirmative procedure).

2. The Alternative Dispute Resolution for Consumer Disputes (Extension of Time Limits for Legal Proceedings) (Amendment etc.) (EU Exit) Regulations 2020

2.1 The instrument amends four pieces of EU-derived legislation which extend the time limit for bringing court proceedings where a consumer is engaged in non-binding alternative dispute resolution (ADR). The instrument removes references to the ADR Directive (2013/11/EU) and the effect is that the relevant time limit will only be extended for ADR in which the consumer is resident in the UK and uses the services of an ADR provider which is authorised within the UK. The amendments eliminate the ADR-related extension to the time limit for two classes of person: EU-based consumers not resident in the UK and UK consumers relying on the services of an ADR provider not authorised under UK law.

2.2 The Government estimate that “around 131 ADR cases per year that are 5 years or older would be affected” by the change which “is substantially less than 1% of consumer complaints going to ADR”. Despite the Government’s assurance that this instrument does not “affect the right of any party to bring proceedings in UK courts or to engage in ADR”, the committee consider the diminution of rights in relation to the time limit extension is sufficiently significant that the instrument should be subject to affirmative resolution.

2.3 Additionally, most of the legislation amended by this instrument is primary legislation. While the Explanatory Memorandum at 1.3 suggests that the amendments “are narrow in scope and limited in their effect”, the Committee considers that the amendments are not so routine as to displace the established presumption of affirmative resolution for the amendment of primary legislation.

2.4 **The Committee therefore recommends that the appropriate procedure for the instrument is for a draft of it to be laid before, and approved by a resolution of, each House of Parliament before it is made (i.e. the affirmative procedure) on the ground that it is of political and legal importance.**

Instruments recommended for the negative procedure

At its meeting on 5 May 2020 the Committee considered proposed negative instruments none of which were recommended to be subject to the negative procedure.

Formal Minutes

Tuesday 5 May 2020

Members present:

Andrew Jones, in the Chair

Kirsty Blackman	Charlotte Nichols
Mrs Flick Drummond	Mary Robinson
Rt Hon Philip Dunne	Owen Thompson
Rt Hon Sir David Evennett	Liz Twist
Mark Garnier	Craig Williams
Richard Holden	

Draft Report (*Fourth Report*), proposed by the Chair, brought up and read.

Ordered, That the Chair's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1.1 to 2.4 agreed to.

Ordered, That the Report be the Fourth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

[Adjourned to a day and time to be fixed by the Chair.]