

L.N. 215 of 2021

**CONSUMER AFFAIRS ACT
(CAP. 378)**

**Consumer Alternative Dispute Resolution (Residual ADR)
(Amendment) Regulations, 2021**

IN EXERCISE of the powers conferred by article 7 of the Consumer Affairs Act, the Minister responsible for Tourism and Consumer Protection, after consulting the Minister responsible for Finance and the Consumer Affairs Council, has made the following regulations:

1. The title of these regulations is the Consumer Alternative Dispute Resolution (Residual ADR) (Amendment) Regulations, 2021, and these regulations shall be read and construed as one with the Consumer Alternative Dispute Resolution (Residual ADR) Regulations, hereinafter referred to as "the principal regulations".

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2. Regulation 7 of the principal regulations shall be amended as follows:

Amends
regulation 7 of
the principal
regulations.

(a) sub-regulation (1) thereof shall be substituted by the following:

"(1) The ADR officers in charge of the ADR process shall be appointed by the Minister. A person shall not be qualified to be appointed as ADR Officer unless he holds the warrant and has practised as an advocate in Malta for a period or periods amounting in the aggregate to not less than five years.";

(b) immediately after sub-regulation (1) thereof, there shall be added the following new sub-regulation:

"(1A) A person shall be disqualified to be appointed ADR officer if such person –

(a) is a member of the House of Representatives;

or

(b) is a member of a Local Council; or

(c) is a trader; or

(d) is an undischarged bankrupt; or

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(e) has been sentenced by any court to imprisonment for any term or has been found guilty by any court of any of the crimes in Titles III, V or VI of Part II of Book First of the Criminal Code.";

(c) sub-regulation (2) thereof shall be substituted by the following:

"(2) The ADR officers shall receive such remuneration as the Minister may by notice in the Gazette determine; and such remuneration shall be a charge on the Consolidated Fund; such remuneration shall not during the tenure of office of an ADR officer be altered to his disadvantage.";

(d) immediately after sub-regulation (2) thereof, there shall be added the following new sub-regulations:

"(2A) During the term of their appointment, ADR officers shall be precluded from the exercise of their profession in any ADR process whether residual or otherwise.

(2B) The ADR officers shall be appointed for a term of three years and shall be eligible to be re-appointed, for a further term or terms of three years each.

(2C) Every person appointed as an ADR officer shall not assume the duties of his office unless and until he has taken before the State Advocate an oath to exercise his functions in the ADR processes for which he is in charge, without delay, and with impartiality and equity according to law."; and

(e) sub-regulation (3) thereof shall be substituted by the following:

"(3) In the exercise of his functions under this regulation, an ADR officer shall not be subject to the control or direction or instructions of either party or their representative or of any other person or authority, and may not be removed from office except by the Court of Appeal on an application for that purpose by the Minister on the grounds of misbehaviour or inability to perform his functions by reason of infirmity of body or mind.".