



Consumer Credit Act 1974

1974 CHAPTER 39

PART I

DIRECTOR GENERAL OF FAIR TRADING

1 General functions of Director

- (1) It is the duty of the Director General of Fair Trading (" the Director ")—
- (a) to administer the licensing system set up by this Act,
 - (b) to exercise the adjudicating functions conferred on him by this Act in relation to the issue, renewal, variation, suspension and revocation of licences, and other matters,
 - (c) generally to superintend the working and enforcement of this Act, and regulations made under it, and
 - (d) where necessary or expedient, himself to take steps to enforce this Act, and regulations so made.
- (2) It is the duty of the Director, so far as appears to him to be practicable and having regard both to the national interest and the interests of persons carrying on businesses to which this Act applies and their customers, to keep under review and from time to time advise the Secretary of State about—
- (a) social and commercial developments in the United Kingdom and elsewhere relating to the provision of credit or bailment or (in Scotland) hiring of goods to individuals, and related activities ; and
 - (b) the working and enforcement of this Act and orders and regulations made under it.

2 Powers of Secretary of State

- (1) The Secretary of State may by order—
- (a) confer on the Director additional functions concerning the provision of credit or bailment or (in Scotland) hiring of goods to individuals, and related activities, and

Status: This is the original version (as it was originally enacted).

- (b) regulate the carrying out by the Director of his functions under this Act.
- (2) The Secretary of State may give general directions indicating considerations to which the Director should have particular regard in carrying out his functions under this Act, and may give specific directions on any matter connected with the carrying out by the Director of those functions.
- (3) The Secretary of State, on giving any directions under subsection (2), shall arrange for them to be published in such manner as he thinks most suitable for drawing them to the attention of interested persons.
- (4) With the approval of the Secretary of State and the Treasury, the Director may charge, for any service or facility provided by him under this Act, a fee of an amount specified by general notice (the "specified fee").
- (5) Provision may be made under subsection (4) for reduced fees, or no fees at all, to be paid for certain services or facilities by persons of a specified description, and references in this Act to the specified fee shall, in such cases, be construed accordingly.
- (6) An order under subsection (1)(a) shall be made by statutory instrument and shall be of no effect unless a draft of the order has been laid before and approved by each House of Parliament.
- (7) References in subsection (2) to the functions of the Director under this Act do not include the making of a determination to which section 41 or 150 (appeals from Director to Secretary of State) applies.

3 Supervision by Council on Tribunals

The Tribunals and Inquiries Act 1971 is amended as follows (the amendments bringing the adjudicating functions of the Director under this Act under the supervision of the Council on Tribunals)—

- (a) in section 8(2), insert " 5A " after " paragraph " ;
- (b) in section 19(4), insert " or the Director General of Fair Trading referred to in paragraph 5A " after " or 46 " ;
- (c) in Schedule 1, after paragraph 5, insert—

“Consumer credit

5A The Director General of Fair Trading, in respect of his functions under the [Consumer Credit Act 1974 \(c. 39\)](#), and any member of the Director's staff authorised to exercise those functions under paragraph 7 of Schedule 1 to the Fair Trading Act 1973.”

4 Dissemination of information and advice

The Director shall arrange for the dissemination, in such form and manner as he considers appropriate, of such information and advice as it may appear to him expedient to give to the public in the United Kingdom about the operation of this Act, the credit facilities available to them, and other matters within the scope of his functions under this Act.

5 Annual and other Reports

At the end of subsection (2) of section 125 (annual and other reports of Director) of the Fair Trading Act 1973 insert " and shall set out any directions given to the Director under section 2(2) of the Consumer Credit Act 1974 during that year ".

6 Form etc. of applications

- (1) An application to the Director under this Act is of no effect unless the requirements of this section are satisfied.
- (2) The application must be in writing, and in such form, and accompanied by such particulars, as the Director may specify by general notice, and must be accompanied by the specified fee.
- (3) After giving preliminary consideration to an application, the Director may by notice require the applicant to furnish him with such further information relevant to the application as may be described in the notice, and may require any information furnished by the applicant (whether at the time of the application or subsequently) to be verified in such manner as the Director may stipulate.
- (4) The Director may by notice require the applicant to publish details of his application at a time or times and in a manner specified in the notice.

7 Penalty for false information

A person who, in connection with any application or request to the Director under this Act, or in response to any invitation or requirement of the Director under this Act, knowingly or recklessly gives information to the Director which, in a material particular, is false or misleading, commits an offence.