

SCHEDULES

SCHEDULE 3

Section 192(1).

TRANSITIONAL AND COMMENCEMENT PROVISIONS

Note. Except as otherwise mentioned in this Schedule, the provisions of this Act come into operation on its passing, that is on 31st July 1974.

PART II OF ACT

CREDIT AGREEMENTS, HIRE AGREEMENTS AND LINKED TRANSACTIONS

“Regulated agreements

- 1 (1) An agreement made before the day appointed for the purposes of this paragraph is not a regulated agreement within the meaning of this Act.
- (2) In this Act " prospective regulated agreement " does not include a prospective agreement which, if made as expected, would be made before the day appointed for the purposes of this paragraph.

Linked transactions

- 2 A transaction may be a linked transaction in relation to a regulated agreement or prospective regulated agreement even though the transaction was entered into before the day appointed for the purposes of paragraph 1.
- 3 Section 19(3) applies only to transactions entered into on or after the day appointed for the purposes of this paragraph.

Total charge for credit

- 4 Section 20 applies to consumer credit agreements whenever made. ”

PART III OF ACT

LICENSING OF CREDIT AND HIRE BUSINESSES

“Businesses needing a licence

- 5 (1) Section 21 does not apply to the carrying on of any description of consumer credit business or consumer hire business before the day appointed for the purposes of this paragraph in relation to a business of that description.
- (2) Where the person carrying on any description of consumer credit business or consumer hire business applies for a licence before the day appointed for the purposes of this

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paragraph in relation to a business of that description, he shall be deemed to have been granted on that day a licence covering that business and continuing in force until the licence applied for is granted or, if the application is refused, until the end of the appeal period.

The register

- 6 Sections 35 and 36 come into operation on the day appointed for the purposes of this paragraph.

Enforcement of agreements made by unlicensed trader

- 7 Section 40 does not apply to a regulated agreement made in the course of any business before the day appointed for the purposes of paragraph 5 in relation to a business of that description.”

PART IV OF ACT

SEEKING BUSINESS

“Advertisements

- 8 Part IV does not apply to any advertisement published before the day appointed for the purposes of this paragraph.

Canvassing

- 9 Section 49 comes into operation on the day appointed for the purposes of this paragraph.

Circulars to minors

- 10 Section 50 comes into operation on the day appointed for the purposes of this paragraph.

Unsolicited credit-tokens

- 11 (1) Section 51(1) does not apply to the giving of a credit-token before the day appointed for the purposes of this paragraph.
(2) In section 51(3), " agreement" means an agreement whenever made.”

PART V OF ACT

ENTRY INTO CREDIT OR HIRE AGREEMENTS

“Antecedent negotiations

- 12 (1) Section 56 applies to negotiations in relation to an actual or prospective regulated agreement where the negotiations begin after the day appointed for the purposes of this paragraph.

- (2) In section 56(3), " agreement", where it first occurs, means an agreement whenever made.

General

- 13** Sections 57 to 59, 61 to 65 and 67 to 73 come into operation on the day appointed for the purposes of this paragraph.
- 14** Section 66 comes into operation on the day appointed for the purposes of this paragraph.”

PART VI OF ACT

MATTERS ARISING DURING CURRENCY OF CREDIT OR HIRE AGREEMENTS

“Liability of creditor for breaches by supplier

- 15** Section 75 comes into operation on the day appointed for the purposes of this paragraph.

Duty to give notice

- 16** (1) Section 76 comes into operation on the day appointed for the purposes of this paragraph.
- (2) Section 76 applies to an agreement made before the day appointed for the purposes of this paragraph where the agreement would have been a regulated agreement if made on that day.

Duty to give information

- 17** (1) Sections 77 to 80 come into operation on the day appointed for the purposes of this paragraph.
- (2) Sections 77 to 79 apply to an agreement made before the day appointed for the purposes of this paragraph where the agreement would have been a regulated agreement if made on that day.

Appropriation of payments

- 18** Section 81 comes into operation on the day appointed for the purposes of this paragraph.

Variation of agreements

- 19** Section 82 comes into operation on the day appointed for the purposes of this paragraph.

Misuse of credit facilities

- 20** (1) Sections 83 and 84 come into operation on the day appointed for the purposes of this paragraph.
- (2) Subject to sub-paragraph (4), section 83 applies to an agreement made before the day appointed for the purposes of this paragraph where the agreement would have been a regulated consumer credit agreement if made on that day.

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- (3) Subject to sub-paragraph (4), section 84 applies to an agreement made before the day appointed for the purposes of this paragraph where the agreement would have been a credit-token agreement if made on that day.
- (4) Sections 83 and 84 do not apply to losses arising before the day appointed for the purposes of this paragraph.
- (5) Section 84(4) shall be taken to be satisfied in relation to an agreement made before the day appointed for the purposes of this paragraph if, within 28 days after that day, the creditor gives notice to the debtor of the name, address and telephone number of a person stated in that notice to be the person to whom notice is to be given under section 84(3).

Duty on issue of new credit-tokens

- 21 (1) Section 85 comes into operation on the day appointed for the purposes of this paragraph.
- (2) Section 85 applies to an agreement made before the day appointed for the purposes of this paragraph where the agreement would have been a regulated agreement if made on that day.

Death of debtor or hirer

- 22 (1) Section 86 comes into operation on the day appointed for the purposes of this paragraph.
- (2) Section 86 applies to an agreement made before the day appointed for the purposes of this paragraph where the agreement would have been a regulated agreement if made on that day.”

PART VII OF ACT

DEFAULT AND TERMINATION

“Default notices

- 23 Sections 87 to 89 come into operation on the day appointed for the purposes of this paragraph.

Retaking of goods and land

- 24 Sections 90 and 91 come into operation on the day appointed for the purposes of this paragraph.
- 25 Section 92 comes into operation on the day appointed for the purposes of this paragraph.

Interest on default

- 26 Section 93 comes into operation on the day appointed for the purposes of this paragraph.

Early payment by debtor

- 27 Sections 94 to 97 come into operation on the day appointed for the purposes of this paragraph.

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Termination of agreements

- 28** Section 98 comes into operation on the day appointed for the purposes of this paragraph.
- 29** Section 99 comes into operation on the day appointed for the purposes of this paragraph.
- 30** Section 100 comes into operation on the day appointed for the purposes of this paragraph.
- 31** Section 101 comes into operation on the day appointed for the purposes of this paragraph.
- 32** Section 102 comes into operation on the day appointed for the purposes of this paragraph.
- 33** Section 103 comes into operation on the day appointed for the purposes of this paragraph.
- 34** Section 104 comes into operation on the day appointed for the purposes of this paragraph.

Old agreements

- 35** Part VII (except sections 90, 91, 93 and 99 to 102 and 104) applies to an agreement made before the day appointed for the purposes of this paragraph where the agreement would have been a regulated agreement if made on that day.”

PART III OF ACT

SECURITY

“General

- 36** Section 105 comes into operation on the day appointed for the purposes of this paragraph.
- 37** (1) Sections 107 to 110 come into operation on the day appointed for the purposes of this paragraph.
- (2) Sections 107 to 110 apply to an agreement made before the day appointed for the purposes of this paragraph where the agreement would have been a regulated agreement if made on that day.
- 38** (1) Section 111 comes into operation on the day appointed for the purposes of this paragraph.
- (2) Section 111 applies to an agreement made before the day appointed for the purposes of this paragraph where the agreement would have been a regulated agreement if made on that day.

Pledges

- 39** Sections 114 to 122 come into operation on the day appointed for the purposes of this paragraph.

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Negotiable instruments

- 40 Sections 123 to 125 come into operation on the day appointed for the purposes of this paragraph.

Land mortgages

- 41 Section 126 comes into operation on the day appointed for the purposes of this paragraph.”

PART IX OF ACT

JUDICIAL CONTROL

- “42 Sections 137 to 140 (extortionate credit bargains) come into operation on the day appointed for the purposes of this paragraph, and apply to agreements and transactions whenever made.
- 43 Subject to paragraph 42, Part IX comes into operation on the day appointed for the purposes of this paragraph.”

PART X OF ACT

ANCILLARY CREDIT BUSINESSES

“Licensing

- 44 (1) Section 21(1) does not apply (by virtue of section 147(1)) to the carrying on of any ancillary credit business before the day appointed for the purposes of this paragraph in relation to a business of that description.
- (2) Where the person carrying on an ancillary credit business applies for a licence before the day appointed for the purposes of this paragraph in relation to a business of that description, he shall be deemed to have been granted on that day a licence covering that business and continuing in force until the licence applied for is granted or, if the application is refused, until the end of the appeal period.

Enforcement of agreements made by unlicensed trader

- 45 Section 148(1) does not apply to an agreement made in the course of any business before the day appointed for the purposes of paragraph 44 in relation to a business of that description.

Introductions by unlicensed credit-broker

- 46 Section 149 does not apply to a regulated agreement made on an introduction effected in the course of any business if the introduction was effected before the day appointed for the purposes of paragraph 44 in relation to a business of that description.

Advertisements

- 47 Subsections (1) and (2) of section 151 do not apply to any advertisement published before the day appointed for the purposes of this paragraph.

Credit reference agencies

- 48** Sections 157 and 158 do not apply to a request received before the day appointed for the purposes of this paragraph.”

PART XII OF ACT

SUPPLEMENTAL

“Interpretation

- 49** (1) In the case of an agreement—
- (a) which was made before the day appointed for the purposes of paragraph 17, and
 - (b) to which (by virtue of paragraph 17(2)) section 78(4) applies,
- section 185(2) shall have effect as respects a notice given before that day in relation to the agreement (whether given before or after the passing of this Act) as it would have effect if section 78(4) had been in operation when the notice was given.
- (2) Paragraph (1) applies to an agreement made on or after the day appointed for the purposes of paragraph 17 to provide credit on a current account opened before that day as it applies to an agreement made before that day.
- 50** In section 189, the definition of " local authority " shall have effect in relation to matters arising before 16th May 1975 as if for the words " regional, islands or district council" there were substituted " a county council or town council ".”