



# Consumer Credit Act 1974

## 1974 CHAPTER 39

### PART IX

#### JUDICIAL CONTROL

#### *[<sup>F1</sup>Unfair relationships*

#### <sup>F1</sup> <sup>F2</sup>140B Powers of court in relation to unfair relationships

- (1) An order under this section in connection with a credit agreement may do one or more of the following—
- (a) require the creditor, or any associate or former associate of his, to repay (in whole or in part) any sum paid by the debtor or by a surety by virtue of the agreement or any related agreement (whether paid to the creditor, the associate or the former associate or to any other person);
  - (b) require the creditor, or any associate or former associate of his, to do or not to do (or to cease doing) anything specified in the order in connection with the agreement or any related agreement;
  - (c) reduce or discharge any sum payable by the debtor or by a surety by virtue of the agreement or any related agreement;
  - (d) direct the return to a surety of any property provided by him for the purposes of a security;
  - (e) otherwise set aside (in whole or in part) any duty imposed on the debtor or on a surety by virtue of the agreement or any related agreement;
  - (f) alter the terms of the agreement or of any related agreement;
  - (g) direct accounts to be taken, or (in Scotland) an accounting to be made, between any persons.
- (2) An order under this section may be made in connection with a credit agreement only—
- (a) on an application made by the debtor or by a surety;

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*Changes to legislation: Consumer Credit Act 1974, Section 140B is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (b) at the instance of the debtor or a surety in any proceedings in any court to which the debtor and the creditor are parties, being proceedings to enforce the agreement or any related agreement; or
  - (c) at the instance of the debtor or a surety in any other proceedings in any court where the amount paid or payable under the agreement or any related agreement is relevant.
- (3) An order under this section may be made notwithstanding that its effect is to place on the creditor, or any associate or former associate of his, a burden in respect of an advantage enjoyed by another person.
- (4) An application under subsection (2)(a) may only be made—
- (a) in England and Wales, to the county court;
  - (b) in Scotland, to the sheriff court;
  - (c) in Northern Ireland, to the High Court (subject to subsection (6)).
- (5) In Scotland such an application may be made in the sheriff court for the district in which the debtor or surety resides or carries on business.
- (6) In Northern Ireland such an application may be made to the county court if the credit agreement is an agreement under which the creditor provides the debtor with—
- (a) fixed-sum credit not exceeding £15,000; or
  - (b) running-account credit on which the credit limit does not exceed £15,000.
- <sup>F3</sup>(7) .....
- (8) A party to any proceedings mentioned in subsection (2) shall be entitled, in accordance with rules of court, to have any person who might be the subject of an order under this section made a party to the proceedings.
- (9) If, in any such proceedings, the debtor or a surety alleges that the relationship between the creditor and the debtor is unfair to the debtor, it is for the creditor to prove to the contrary.]]

#### Textual Amendments

- F1** S. 140A and preceding cross-heading inserted (6.4.2007) by [Consumer Credit Act 2006 \(c. 14\)](#), ss. {19}, 71(2) (with Sch. 3 para. 16); [S.I. 2007/123](#), [art. 3\(2\)](#), [Sch. 2](#)
- F2** S. 140B inserted (6.4.2007) by [Consumer Credit Act 2006 \(c. 14\)](#), ss. {20}, 71(2) (with Sch. 3 paras. 14, 16); [S.I. 2007/123](#), [art. 3\(2\)](#), [Sch. 2](#)
- F3** S. 140B(7) repealed (N.I.) (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), [Sch. 1](#) para. 69(1), [Sch. 9 Pt. 1](#) (with Sch. 8 para. 1); [S.R. 2016/387](#), [art. 2\(k\)\(m\)](#) (with art. 3)

#### Modifications etc. (not altering text)

- C1** Ss. 140A-140C applied (20.4.2015 for specified purposes, 21.12.2015 for specified purposes, 21.3.2016 in so far as not already in force) by [The Mortgage Credit Directive Order 2015 \(S.I. 2015/910\)](#), arts. 1(5), [29\(12\)](#) (with Pt. 4)

**Changes to legislation:**

Consumer Credit Act 1974, Section 140B is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 25(2A)(b)(ia) inserted by [2010 c. 28 Sch. 2 para. 36](#)