



# Consumer Credit Act 2006

## 2006 CHAPTER 14

An Act to amend the Consumer Credit Act 1974; to extend the ombudsman scheme under the Financial Services and Markets Act 2000 to cover licensees under the Consumer Credit Act 1974; and for connected purposes. [30th March 2006]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

*Agreements regulated under the 1974 Act etc.*

### 1 Definition of ‘individual’

In section 189(1) of the 1974 Act (definitions) for the definition of “individual” substitute—

““individual” includes—

- (a) a partnership consisting of two or three persons not all of whom are bodies corporate; and
- (b) an unincorporated body of persons which does not consist entirely of bodies corporate and is not a partnership;”.

#### Commencement Information

II S. 1 in force at 6.4.2007 by S.I. 2007/123, art. 3(2), Sch. 2 (with arts. 4, 5)

### 2 Removal of financial limits etc.

- (1) In section 8 of the 1974 Act (which defines consumer credit agreements)—
- (a) in subsection (1) for “personal” substitute “consumer”;
  - (b) subsection (2) shall cease to have effect.

*Status: This version of this Act contains provisions that are prospective.  
Changes to legislation: There are currently no known outstanding effects  
for the Consumer Credit Act 2006. (See end of Document for details)*

(2) In section 15(1) of that Act (which defines consumer hire agreements) paragraph (c) and the “and” immediately preceding it shall cease to have effect.

<sup>F1</sup>(3) .....

**Textual Amendments**

**F1** S. 2(3) omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

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**Commencement Information**

**I2** S. 2(1) in force at 6.4.2008 for specified purposes by [S.I. 2008/831](#), art. 3(1), **Sch. 2** (with art. 4, Sch. 1)

**I3** S. 2(1) in force at 31.10.2008 in so far as not already in force by [S.I. 2008/831](#), art. 3(2), **Sch. 3** (with art. 4)

**I4** S. 2(2)(3) in force at 6.4.2008 by [S.I. 2008/831](#), art. 3(1), **Sch. 2**

**<sup>F2</sup>3 Exemption relating to high net worth debtors and hirers**

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**Textual Amendments**

**F2** S. 3 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

**<sup>F3</sup>4 Exemption relating to businesses**

.....

**Textual Amendments**

**F3** S. 4 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

**5 Consequential amendments relating to ss. 1 to 4**

<sup>F4</sup>(1) .....

(2) In section 10 of that Act (running-account credit and fixed-sum credit)—  
(a) in subsection (1) for “personal” wherever occurring substitute “ consumer ”;

<sup>F5</sup>(b) .....

<sup>F6</sup>(3) .....

<sup>F6</sup>(4) .....

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- (5) In subsection (1) of section 158 of that Act (duty of credit reference agency to disclose filed information) for paragraph (a) substitute—  
“(a) a request in writing to that effect from a consumer.”.
- (6) After subsection (4) of that section insert—  
“(4A) In this section ‘consumer’ means—  
(a) a partnership consisting of two or three persons not all of whom are bodies corporate; or  
(b) an unincorporated body of persons which does not consist entirely of bodies corporate and is not a partnership.”
- (7) In section 181(1) and (2) of that Act (power to alter monetary limits etc.) for “8(2), 15(1)(c)” substitute “ 16B(1) ”.
- (8) In subsection (5) of section 185 of that Act (agreement with more than one debtor or hirer)—  
(a) in paragraph (b) for “a body corporate” substitute “ not an individual ”;  
(b) for “the body corporate or bodies corporate” substitute “ each person within paragraph (b) ”.
- (9) In subsection (6) of that section after “a body corporate” insert “ within paragraph (b) of that subsection ”.

<sup>F7</sup>(10) .....

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**Textual Amendments**

- F4** S. 5(1) omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**
- F5** S. 5(2)(b) omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**
- F6** S. 5(3)(4) omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**
- F7** S. 5(10) omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

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**Commencement Information**

- I5** S. 5(1)-(4) (7) (10) in force at 6.4.2008 by [S.I. 2007/3300](#), art. 3(2), **Sch. 2**
- I6** S. 5(5)(6)(8)(9) in force at 6.4.2007 by [S.I. 2007/123](#), art. 3(2), **Sch. 2**

*Statements to be provided in relation to regulated credit agreements*

**6 Statements to be provided in relation to fixed-sum credit agreements**

After section 77 of the 1974 Act insert—

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**“77A Statements to be provided in relation to fixed-sum credit agreements**

- (1) The creditor under a regulated agreement for fixed-sum credit—
  - (a) shall, within the period of one year beginning with the day after the day on which the agreement is made, give the debtor a statement under this section; and
  - (b) after the giving of that statement, shall give the debtor further statements under this section at intervals of not more than one year.
- (2) Regulations may make provision about the form and content of statements under this section.
- (3) The debtor shall have no liability to pay any sum in connection with the preparation or the giving to him of a statement under this section.
- (4) The creditor is not required to give the debtor any statement under this section once the following conditions are satisfied—
  - (a) that there is no sum payable under the agreement by the debtor; and
  - (b) that there is no sum which will or may become so payable.
- (5) Subsection (6) applies if at a time before the conditions mentioned in subsection (4) are satisfied the creditor fails to give the debtor—
  - (a) a statement under this section within the period mentioned in subsection (1)(a); or
  - (b) such a statement within the period of one year beginning with the day after the day on which such a statement was last given to him.
- (6) Where this subsection applies in relation to a failure to give a statement under this section to the debtor—
  - (a) the creditor shall not be entitled to enforce the agreement during the period of non-compliance;
  - (b) the debtor shall have no liability to pay any sum of interest to the extent calculated by reference to the period of non-compliance or to any part of it; and
  - (c) the debtor shall have no liability to pay any default sum which (apart from this paragraph)—
    - (i) would have become payable during the period of non-compliance; or
    - (ii) would have become payable after the end of that period in connection with a breach of the agreement which occurs during that period (whether or not the breach continues after the end of that period).
- (7) In this section ‘the period of non-compliance’ means, in relation to a failure to give a statement under this section to the debtor, the period which—
  - (a) begins immediately after the end of the period mentioned in paragraph (a) or (as the case may be) paragraph (b) of subsection (5); and
  - (b) ends at the end of the day on which the statement is given to the debtor or on which the conditions mentioned in subsection (4) are satisfied, whichever is earlier.

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- (8) This section does not apply in relation to a non-commercial agreement or to a small agreement.”

**Commencement Information**

- I7** S. 6 in force at 16.6.2006 for specified purposes by S.I. 2006/1508, art. 3(1), Sch. 1  
**I8** S. 6 in force at 1.10.2008 in so far as not already in force by S.I. 2007/3300, art. 3(3), Sch. 3

**7 Further provision relating to statements**

- (1) In section 78 of the 1974 Act (duty to give information to debtor under running-account credit agreement) after subsection (4) insert—

“(4A) Regulations may require a statement under subsection (4) to contain also information in the prescribed terms about the consequences of the debtor—

- (a) failing to make payments as required by the agreement; or
- (b) only making payments of a prescribed description in prescribed circumstances.”

- (2) In subsection (7) of that section for “(4) and (5)” substitute “ (4) to (5) ”.

- (3) In section 185 of that Act (agreement with more than one debtor or hirer) for subsection (2) substitute—

“(2) Notwithstanding subsection (1)(a), where credit is provided under an agreement to two or more debtors jointly, in performing his duties—

- (a) in the case of fixed-sum credit, under section 77A, or
- (b) in the case of running-account credit, under section 78(4),

the creditor need not give statements to any debtor who has signed and given to him a notice (a ‘dispensing notice’) authorising him not to comply in the debtor’s case with section 77A or (as the case may be) 78(4).

- (2A) A dispensing notice given by a debtor is operative from when it is given to the creditor until it is revoked by a further notice given to the creditor by the debtor.

- (2B) But subsection (2) does not apply if (apart from this subsection) dispensing notices would be operative in relation to all of the debtors to whom the credit is provided.

- (2C) Any dispensing notices operative in relation to an agreement shall cease to have effect if any of the debtors dies.

- (2D) A dispensing notice which is operative in relation to an agreement shall be operative also in relation to any subsequent agreement which, in relation to the earlier agreement, is a modifying agreement.”

**Commencement Information**

- I9** S. 7(1)(2) in force at 16.6.2006 by S.I. 2006/1508, art. 3(1), Sch. 1  
**I10** S. 7(3) in force at 1.10.2008 by S.I. 2007/3300, art. 3(3), Sch. 3

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*Default under regulated agreements*

**8 OFT to prepare information sheets on arrears and default**

At the beginning of Part 7 of the 1974 Act insert—

*“Information sheets*

**86A OFT to prepare information sheets on arrears and default**

- (1) The OFT shall prepare, and give general notice of, an arrears information sheet and a default information sheet.
- (2) The arrears information sheet shall include information to help debtors and hirers who receive notices under section 86B or 86C.
- (3) The default information sheet shall include information to help debtors and hirers who receive default notices.
- (4) Regulations may make provision about the information to be included in an information sheet.
- (5) An information sheet takes effect for the purposes of this Part at the end of the period of three months beginning with the day on which general notice of it is given.
- (6) If the OFT revises an information sheet after general notice of it has been given, it shall give general notice of the information sheet as revised.
- (7) A revised information sheet takes effect for the purposes of this Part at the end of the period of three months beginning with the day on which general notice of it is given.”

**Commencement Information**

**III** S. 8 in force at 31.1.2007 by S.I. 2007/123, art. 3(1), Sch. 1

**9 Notice of sums in arrears under fixed-sum credit agreements etc.**

After section 86A of the 1974 Act (inserted by section 8 of this Act) insert—

*“Sums in arrears and default sums*

**86B Notice of sums in arrears under fixed-sum credit agreements etc.**

- (1) This section applies where at any time the following conditions are satisfied—
  - (a) that the debtor or hirer under an applicable agreement is required to have made at least two payments under the agreement before that time;
  - (b) that the total sum paid under the agreement by him is less than the total sum which he is required to have paid before that time;
  - (c) that the amount of the shortfall is no less than the sum of the last two payments which he is required to have made before that time;

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- (d) that the creditor or owner is not already under a duty to give him notices under this section in relation to the agreement; and
  - (e) if a judgment has been given in relation to the agreement before that time, that there is no sum still to be paid under the judgment by the debtor or hirer.
- (2) The creditor or owner—
- (a) shall, within the period of 14 days beginning with the day on which the conditions mentioned in subsection (1) are satisfied, give the debtor or hirer a notice under this section; and
  - (b) after the giving of that notice, shall give him further notices under this section at intervals of not more than six months.
- (3) The duty of the creditor or owner to give the debtor or hirer notices under this section shall cease when either of the conditions mentioned in subsection (4) is satisfied; but if either of those conditions is satisfied before the notice required by subsection (2)(a) is given, the duty shall not cease until that notice is given.
- (4) The conditions referred to in subsection (3) are—
- (a) that the debtor or hirer ceases to be in arrears;
  - (b) that a judgment is given in relation to the agreement under which a sum is required to be paid by the debtor or hirer.
- (5) For the purposes of subsection (4)(a) the debtor or hirer ceases to be in arrears when—
- (a) no sum, which he has ever failed to pay under the agreement when required, is still owing;
  - (b) no default sum, which has ever become payable under the agreement in connection with his failure to pay any sum under the agreement when required, is still owing;
  - (c) no sum of interest, which has ever become payable under the agreement in connection with such a default sum, is still owing; and
  - (d) no other sum of interest, which has ever become payable under the agreement in connection with his failure to pay any sum under the agreement when required, is still owing.
- (6) A notice under this section shall include a copy of the current arrears information sheet under section 86A.
- (7) The debtor or hirer shall have no liability to pay any sum in connection with the preparation or the giving to him of a notice under this section.
- (8) Regulations may make provision about the form and content of notices under this section.
- (9) In the case of an applicable agreement under which the debtor or hirer must make all payments he is required to make at intervals of one week or less, this section shall have effect as if in subsection (1)(a) and (c) for ‘two’ there were substituted ‘four’.
- (10) If an agreement mentioned in subsection (9) was made before the beginning of the relevant period, only amounts resulting from failures by the debtor or hirer to make payments he is required to have made during that period shall be taken into account in determining any shortfall for the purposes of subsection (1)(c).

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- (11) In subsection (10) ‘relevant period’ means the period of 20 weeks ending with the day on which the debtor or hirer is required to have made the most recent payment under the agreement.
- (12) In this section ‘applicable agreement’ means an agreement which—
- (a) is a regulated agreement for fixed-sum credit or a regulated consumer hire agreement; and
  - (b) is neither a non-commercial agreement nor a small agreement.”

**Commencement Information**

**I12** S. 9 in force at 16.6.2006 for specified purposes by S.I. 2006/1508, art. 3(1), Sch. 1

**I13** S. 9 in force at 1.10.2008 in so far as not already in force by S.I. 2007/3300, art. 3(3), Sch. 3

**10 Notice of sums in arrears under running-account credit agreements**

After section 86B of the 1974 Act (inserted by section 9 of this Act) insert—

**“86C Notice of sums in arrears under running-account credit agreements**

- (1) This section applies where at any time the following conditions are satisfied—
- (a) that the debtor under an applicable agreement is required to have made at least two payments under the agreement before that time;
  - (b) that the last two payments which he is required to have made before that time have not been made;
  - (c) that the creditor has not already been required to give a notice under this section in relation to either of those payments; and
  - (d) if a judgment has been given in relation to the agreement before that time, that there is no sum still to be paid under the judgment by the debtor.
- (2) The creditor shall, no later than the end of the period within which he is next required to give a statement under section 78(4) in relation to the agreement, give the debtor a notice under this section.
- (3) The notice shall include a copy of the current arrears information sheet under section 86A.
- (4) The notice may be incorporated in a statement or other notice which the creditor gives the debtor in relation to the agreement by virtue of another provision of this Act.
- (5) The debtor shall have no liability to pay any sum in connection with the preparation or the giving to him of the notice.
- (6) Regulations may make provision about the form and content of notices under this section.
- (7) In this section ‘applicable agreement’ means an agreement which—
- (a) is a regulated agreement for running-account credit; and
  - (b) is neither a non-commercial agreement nor a small agreement.”



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**Commencement Information**

**I14** S. 10 in force at 16.6.2006 for specified purposes by S.I. 2006/1508, art. 3(1), Sch. 1

**I15** S. 10 in force at 1.10.2008 in so far as not already in force by S.I. 2007/3300, art. 3(3), Sch. 3

**11 Failure to give notice of sums in arrears**

After section 86C of the 1974 Act (inserted by section 10 of this Act) insert—

**“86D Failure to give notice of sums in arrears**

- (1) This section applies where the creditor or owner under an agreement is under a duty to give the debtor or hirer notices under section 86B but fails to give him such a notice—
  - (a) within the period mentioned in subsection (2)(a) of that section; or
  - (b) within the period of six months beginning with the day after the day on which such a notice was last given to him.
- (2) This section also applies where the creditor under an agreement is under a duty to give the debtor a notice under section 86C but fails to do so before the end of the period mentioned in subsection (2) of that section.
- (3) The creditor or owner shall not be entitled to enforce the agreement during the period of non-compliance.
- (4) The debtor or hirer shall have no liability to pay—
  - (a) any sum of interest to the extent calculated by reference to the period of non-compliance or to any part of it; or
  - (b) any default sum which (apart from this paragraph)—
    - (i) would have become payable during the period of non-compliance; or
    - (ii) would have become payable after the end of that period in connection with a breach of the agreement which occurs during that period (whether or not the breach continues after the end of that period).
- (5) In this section ‘the period of non-compliance’ means, in relation to a failure to give a notice under section 86B or 86C to the debtor or hirer, the period which—
  - (a) begins immediately after the end of the period mentioned in (as the case may be) subsection (1)(a) or (b) or (2); and
  - (b) ends at the end of the day mentioned in subsection (6).
- (6) That day is—
  - (a) in the case of a failure to give a notice under section 86B as mentioned in subsection (1)(a) of this section, the day on which the notice is given to the debtor or hirer;
  - (b) in the case of a failure to give a notice under that section as mentioned in subsection (1)(b) of this section, the earlier of the following—
    - (i) the day on which the notice is given to the debtor or hirer;
    - (ii) the day on which the condition mentioned in subsection (4)(a) of that section is satisfied;

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- (c) in the case of a failure to give a notice under section 86C, the day on which the notice is given to the debtor.”

**Commencement Information**

**I16** S. 11 in force at 1.10.2008 by S.I. 2007/3300, art. 3(3), Sch. 3

**12 Notice of default sums**

After section 86D of the 1974 Act (inserted by section 11 of this Act) insert—

**“86E Notice of default sums**

- (1) This section applies where a default sum becomes payable under a regulated agreement by the debtor or hirer.
- (2) The creditor or owner shall, within the prescribed period after the default sum becomes payable, give the debtor or hirer a notice under this section.
- (3) The notice under this section may be incorporated in a statement or other notice which the creditor or owner gives the debtor or hirer in relation to the agreement by virtue of another provision of this Act.
- (4) The debtor or hirer shall have no liability to pay interest in connection with the default sum to the extent that the interest is calculated by reference to a period occurring before the 29th day after the day on which the debtor or hirer is given the notice under this section.
- (5) If the creditor or owner fails to give the debtor or hirer the notice under this section within the period mentioned in subsection (2), he shall not be entitled to enforce the agreement until the notice is given to the debtor or hirer.
- (6) The debtor or hirer shall have no liability to pay any sum in connection with the preparation or the giving to him of the notice under this section.
- (7) Regulations may—
  - (a) provide that this section does not apply in relation to a default sum which is less than a prescribed amount;
  - (b) make provision about the form and content of notices under this section.
- (8) This section does not apply in relation to a non-commercial agreement or to a small agreement.”

**Commencement Information**

**I17** S. 12 in force at 16.6.2006 for specified purposes by S.I. 2006/1508, art. 3(1), Sch. 1

**I18** S. 12 in force at 1.10.2008 in so far as not already in force by S.I. 2007/3300, art. 3(3), Sch. 3

**13 Interest on default sums**

After section 86E of the 1974 Act (inserted by section 12 of this Act) insert—

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### “86F Interest on default sums

- (1) This section applies where a default sum becomes payable under a regulated agreement by the debtor or hirer.
- (2) The debtor or hirer shall only be liable to pay interest in connection with the default sum if the interest is simple interest.”

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#### Commencement Information

**I19** S. 13 in force at 1.10.2008 by S.I. 2007/3300, art. 3(3), Sch. 3

## 14 Default notices

- (1) In subsections (2) and (3) of section 88 of the 1974 Act (contents and effect of default notice) for “seven” wherever occurring substitute “ 14 ”.
- (2) In subsection (4) of that section after “it” insert “ and any other prescribed matters relating to the agreement ”.
- (3) After that subsection insert—
  - “(4A) The default notice must also include a copy of the current default information sheet under section 86A.”

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#### Commencement Information

**I20** S. 14(1) in force at 1.10.2006 by S.I. 2006/1508, art. 3(2), Sch. 2

**I21** S. 14(2) in force at 16.6.2006 by S.I. 2006/1508, art. 3(1), Sch. 1

**I22** S. 14(3) in force at 1.10.2008 by S.I. 2007/3300, art. 3(3), Sch. 3

## 15 Enforceability of regulated agreements

In section 127 of the 1974 Act (enforcement orders in cases of infringement) subsections (3) to (5) shall cease to have effect.

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#### Commencement Information

**I23** S. 15 in force at 6.4.2007 by S.I. 2007/123, art. 3(2), Sch. 2

## 16 Time orders

- (1) In subsection (1) of section 129 of the 1974 Act (time orders) before paragraph (c) insert—
  - “(ba) on an application made by a debtor or hirer under this paragraph after he has been given a notice under section 86B or 86C; or”.
- (2) After that section insert—

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**“129A Debtor or hirer to give notice of intent etc. to creditor or owner**

- (1) A debtor or hirer may make an application under section 129(1)(ba) in relation to a regulated agreement only if—
- (a) following his being given the notice under section 86B or 86C, he gave a notice within subsection (2) to the creditor or owner; and
  - (b) a period of at least 14 days has elapsed after the day on which he gave that notice to the creditor or owner.
- (2) A notice is within this subsection if it—
- (a) indicates that the debtor or hirer intends to make the application;
  - (b) indicates that he wants to make a proposal to the creditor or owner in relation to his making of payments under the agreement; and
  - (c) gives details of that proposal.”
- (3) In section 143(b) of that Act (provision which may be made by rules of court in Northern Ireland) after “129(1)(b)” insert “ or (ba) ”.
- (4) In section 32(1) of the Sheriff Courts (Scotland) Act 1971 (c. 58) (regulation of civil procedure in sheriff court) after paragraph (l) insert—
- “(m) permitting the debtor or hirer in proceedings for—
- (i) a time order under section 129 of the Consumer Credit Act 1974 (time orders), or
  - (ii) variation or revocation, under section 130(6) of that Act (variation and revocation of time orders), of a time order made under section 129,
- to be represented by a person who is neither an advocate nor a solicitor.”
- (5) In section 32(2B) of the Solicitors (Scotland) Act 1980 (c. 46) (offence for unqualified persons to prepare certain documents)—
- (a) after “represent” insert “ —(a) ”;
  - (b) after “cause” insert—
- “(b) a debtor or hirer in proceedings for—
- (i) a time order under section 129 of the Consumer Credit Act 1974 (time orders); or
  - (ii) variation or revocation, under section 130(6) of that Act (variation and revocation of time orders), of a time order made under section 129”.

**Commencement Information**

**I24** S. 16 in force at 1.10.2008 by S.I. 2007/3300, art. 3(3), Sch. 3

**17 Interest payable on judgment debts etc.**

After section 130 of the 1974 Act insert—

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*“Interest*

**130A Interest payable on judgment debts etc.**

- (1) If the creditor or owner under a regulated agreement wants to be able to recover from the debtor or hirer post-judgment interest in connection with a sum that is required to be paid under a judgment given in relation to the agreement (the ‘judgment sum’), he—
  - (a) after the giving of that judgment, shall give the debtor or hirer a notice under this section (the ‘first required notice’); and
  - (b) after the giving of the first required notice, shall give the debtor or hirer further notices under this section at intervals of not more than six months.
- (2) The debtor or hirer shall have no liability to pay post-judgment interest in connection with the judgment sum to the extent that the interest is calculated by reference to a period occurring before the day on which he is given the first required notice.
- (3) If the creditor or owner fails to give the debtor or hirer a notice under this section within the period of six months beginning with the day after the day on which such a notice was last given to the debtor or hirer, the debtor or hirer shall have no liability to pay post-judgment interest in connection with the judgment sum to the extent that the interest is calculated by reference to the whole or to a part of the period which—
  - (a) begins immediately after the end of that period of six months; and
  - (b) ends at the end of the day on which the notice is given to the debtor or hirer.
- (4) The debtor or hirer shall have no liability to pay any sum in connection with the preparation or the giving to him of a notice under this section.
- (5) A notice under this section may be incorporated in a statement or other notice which the creditor or owner gives the debtor or hirer in relation to the agreement by virtue of another provision of this Act.
- (6) Regulations may make provision about the form and content of notices under this section.
- (7) This section does not apply in relation to post-judgment interest which is required to be paid by virtue of any of the following—
  - (a) section 4 of the Administration of Justice (Scotland) Act 1972;
  - (b) Article 127 of the Judgments Enforcement (Northern Ireland) Order 1981;
  - (c) section 74 of the County Courts Act 1984.
- (8) This section does not apply in relation to a non-commercial agreement or to a small agreement.
- (9) In this section ‘post-judgment interest’ means interest to the extent calculated by reference to a period occurring after the giving of the judgment under which the judgment sum is required to be paid.”

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*Status: This version of this Act contains provisions that are prospective.  
Changes to legislation: There are currently no known outstanding effects  
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**Commencement Information**

**I25** S. 17 in force at 16.6.2006 for specified purposes by S.I. 2006/1508, art. 3(1), Sch. 1

**I26** S. 17 in force at 1.10.2008 in so far as not already in force by S.I. 2007/3300, art. 3(3), Sch. 3

**18 Definition of “default sum”**

(1) After section 187 of the 1974 Act insert—

**“187A Definition of ‘default sum’**

- (1) In this Act ‘default sum’ means, in relation to the debtor or hirer under a regulated agreement, a sum (other than a sum of interest) which is payable by him under the agreement in connection with a breach of the agreement by him.
- (2) But a sum is not a default sum in relation to the debtor or hirer simply because, as a consequence of his breach of the agreement, he is required to pay it earlier than he would otherwise have had to.”

(2) In section 189(1) of that Act (definitions) after the definition of “default notice” insert—

“‘default sum’ has the meaning given by section 187A;”.

**Commencement Information**

**I27** S. 18 in force at 16.6.2006 by S.I. 2006/1508, art. 3(1), Sch. 1

*Unfair relationships*

**19 Unfair relationships between creditors and debtors**

After section 140 of the 1974 Act insert—

*“Unfair relationships*

**140A Unfair relationships between creditors and debtors**

- (1) The court may make an order under section 140B in connection with a credit agreement if it determines that the relationship between the creditor and the debtor arising out of the agreement (or the agreement taken with any related agreement) is unfair to the debtor because of one or more of the following—
- (a) any of the terms of the agreement or of any related agreement;
  - (b) the way in which the creditor has exercised or enforced any of his rights under the agreement or any related agreement;
  - (c) any other thing done (or not done) by, or on behalf of, the creditor (either before or after the making of the agreement or any related agreement).

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- (2) In deciding whether to make a determination under this section the court shall have regard to all matters it thinks relevant (including matters relating to the creditor and matters relating to the debtor).
- (3) For the purposes of this section the court shall (except to the extent that it is not appropriate to do so) treat anything done (or not done) by, or on behalf of, or in relation to, an associate or a former associate of the creditor as if done (or not done) by, or on behalf of, or in relation to, the creditor.
- (4) A determination may be made under this section in relation to a relationship notwithstanding that the relationship may have ended.
- (5) An order under section 140B shall not be made in connection with a credit agreement which is an exempt agreement by virtue of section 16(6C)."

**Commencement Information**

**I28** S. 19 in force at 6.4.2007 by S.I. 2007/123, art. 3(2), Sch. 2

## **20 Powers of court in relation to unfair relationships**

After section 140A of the 1974 Act (inserted by section 19 of this Act) insert—

### **“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;
  - (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

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*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Consumer Credit Act 2006. (See end of Document for details)*

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- (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.
- (7) Without prejudice to any provision which may be made by rules of court made in relation to county courts in Northern Ireland, such rules may provide that an application made by virtue of subsection (6) may be made in the county court for the division in which the debtor or surety resides or carries on business.
- (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.”

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**Commencement Information**

**I29** S. 20 in force at 6.4.2007 by S.I. 2007/123, art. 3(2), Sch. 2

**21 Interpretation of ss. 140A and 140B of the 1974 Act**

After section 140B of the 1974 Act (inserted by section 20 of this Act) insert—

**“140C Interpretation of ss. 140A and 140B**

- (1) In this section and in sections 140A and 140B ‘credit agreement’ means any agreement between an individual (the ‘debtor’) and any other person (the ‘creditor’) by which the creditor provides the debtor with credit of any amount.
- (2) References in this section and in sections 140A and 140B to the creditor or to the debtor under a credit agreement include—



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- (a) references to the person to whom his rights and duties under the agreement have passed by assignment or operation of law;
  - (b) where two or more persons are the creditor or the debtor, references to any one or more of those persons.
- (3) The definition of ‘court’ in section 189(1) does not apply for the purposes of sections 140A and 140B.
- (4) References in sections 140A and 140B to an agreement related to a credit agreement (the ‘main agreement’) are references to—
- (a) a credit agreement consolidated by the main agreement;
  - (b) a linked transaction in relation to the main agreement or to a credit agreement within paragraph (a);
  - (c) a security provided in relation to the main agreement, to a credit agreement within paragraph (a) or to a linked transaction within paragraph (b).
- (5) In the case of a credit agreement which is not a regulated consumer credit agreement, for the purposes of subsection (4) a transaction shall be treated as being a linked transaction in relation to that agreement if it would have been such a transaction had that agreement been a regulated consumer credit agreement.
- (6) For the purposes of this section and section 140B the definitions of ‘security’ and ‘surety’ in section 189(1) apply (with any appropriate changes) in relation to—
- (a) a credit agreement which is not a consumer credit agreement as if it were a consumer credit agreement; and
  - (b) a transaction which is a linked transaction by virtue of subsection (5).
- (7) For the purposes of this section a credit agreement (the ‘earlier agreement’) is consolidated by another credit agreement (the ‘later agreement’) if—
- (a) the later agreement is entered into by the debtor (in whole or in part) for purposes connected with debts owed by virtue of the earlier agreement; and
  - (b) at any time prior to the later agreement being entered into the parties to the earlier agreement included—
    - (i) the debtor under the later agreement; and
    - (ii) the creditor under the later agreement or an associate or a former associate of his.
- (8) Further, if the later agreement is itself consolidated by another credit agreement (whether by virtue of this subsection or subsection (7)), then the earlier agreement is consolidated by that other agreement as well.”

**Commencement Information**

**I30** S. 21 in force at 6.4.2007 by S.I. 2007/123, art. 3(2), Sch. 2

**22 Further provision relating to unfair relationships**

<sup>F8</sup>(1) .....

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<sup>F8</sup>(2) .....

<sup>F8</sup>(3) .....

- (4) In section 181 of that Act (power to alter monetary limits etc.)—
- (a) in subsection (1) before “155(1)” insert “ 140B(6), ”;
  - (b) in subsection (2) before “shall” insert “ or 140B(6) ”.

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**Textual Amendments**

**F8** S. 22(1)-(3) omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), [Sch. para. 10\(a\)](#)

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**Commencement Information**

**I31** S. 22 in force at 6.4.2007 by [S.I. 2007/123](#), art. 3(2), [Sch. 2](#)

*Businesses requiring a licence and consequences of not being licensed*

**23 Definitions of ‘consumer credit business’ and ‘consumer hire business’**

In section 189(1) of the 1974 Act (definitions)—

- (a) for the definition of ‘consumer credit business’ substitute—

“‘consumer credit business’ means any business being carried on by a person so far as it comprises or relates to—

- (a) the provision of credit by him, or
- (b) otherwise his being a creditor,

under regulated consumer credit agreements;”

- (b) for the definition of “consumer hire business” substitute—

““consumer hire business” means any business being carried on by a person so far as it comprises or relates to—

- (a) the bailment or (in Scotland) the hiring of goods by him, or
- (b) otherwise his being an owner,

under regulated consumer hire agreements;”.

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**Commencement Information**

**I32** S. 23 in force at 6.4.2008 by [S.I. 2007/3300](#), art. 3(2), [Sch. 2](#)

**24 Debt administration etc.**

- (1) In subsection (1) of section 145 of the 1974 Act (types of ancillary credit business) for the “or” after paragraph (d) substitute—

“(da) debt administration.”.

<sup>F9</sup>(2) .....

<sup>F9</sup>(3) .....

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<sup>F9</sup>(4) .....

(5) In subsection (3) of section 177 of that Act (saving for registered charges) and in the subsection (3) applied by virtue of subsection (5) of that section for “a business of debt-collecting” substitute “ a consumer credit business, a consumer hire business or a business of debt-collecting or debt administration ”.

(6) In section 189(1) of that Act (definitions) after the definition of “debt-adjusting” insert—

“‘debt administration’ has the meaning given by section 145(7A);”.

#### Textual Amendments

**F9** S. 24(2)-(4) omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

#### Commencement Information

**I33** S. 24(1)(3)(5) in force at 1.10.2008 by [S.I. 2007/3300](#), art. 3(3), **Sch. 3**

**I34** S. 24(2)(4)(6) in force at 16.6.2006 by [S.I. 2006/1508](#), art. 3(1), **Sch. 1**

## 25 Credit information services

(1) In subsection (1) of section 145 of the 1974 Act (types of ancillary credit business) before paragraph (e) insert—

“(db) the provision of credit information services, or”.

<sup>F10</sup>(2) .....

<sup>F11</sup>(3) .....

(4) In each of the following provisions of that Act for “or debt-counselling” substitute “ , debt-counselling or the provision of credit information services ”

- (a) section 152(1)(application of sections 52 to 54 to ancillary credit businesses);
- (b) section 154 (prohibition of canvassing ancillary credit business off trade premises);
- (c) section 156 (regulations about agreements entered into for ancillary credit businesses).

(5) In section 189(1) of that Act (definitions) after the definition of “credit brokerage” insert—

“‘credit information services’ has the meaning given by section 145(7B).”

#### Textual Amendments

**F10** S. 25(2) omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

**F11** S. 25(3) omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

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### Commencement Information

- I35** S. 25(1)(3)(4) in force at 1.10.2008 by S.I. 2007/3300, art. 3(3), **Sch. 3**  
**I36** S. 25(2)(5) in force at 16.6.2006 by S.I. 2006/1508, art. 3(1), **Sch. 1**

## <sup>F12</sup>26 Enforcement of agreements by unlicensed trader etc.

.....

### Textual Amendments

- F12** S. 26 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013](#) (S.I. 2013/1881), art. 1(2)(6), **Sch. para. 10(a)**

*Applications for licences and fitness to hold a licence etc.*

## 27 Charge on applicants for licences etc.

<sup>F13</sup>(1) .....

<sup>F13</sup>(2) .....

(3) In section 189 of that Act (definitions) after subsection (1) insert—

“(1A) In sections 36E(3), 70(4), 73(4) and 75(2) and paragraphs 14 and 15 of Schedule A1 ‘costs’, in relation to proceedings in Scotland, means expenses.”

(4) In section 191(1)(a) of that Act (special provisions as to Northern Ireland) after “notices” insert “, charges”.

### Textual Amendments

- F13** S. 27(1)(2) omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013](#) (S.I. 2013/1881), art. 1(2)(6), **Sch. para. 10(a)**

### Commencement Information

- I37** S. 27(2)-(4) in force at 6.4.2008 by S.I. 2007/3300, art. 3(2), **Sch. 2**

## <sup>F14</sup>28 Applications for standard licences

.....

### Textual Amendments

- F14** Ss. 28-50 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013](#) (S.I. 2013/1881), art. 1(2)(6), **Sch. para. 10(a)**

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**F14<sup>29</sup> Issue of standard licences**

.....

**Textual Amendments**

**F14** Ss. 28-50 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

**F14<sup>30</sup> Guidance on fitness test**

.....

**Textual Amendments**

**F14** Ss. 28-50 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

**F14<sup>31</sup> Variation of standard licences etc.**

.....

**Textual Amendments**

**F14** Ss. 28-50 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

**F14<sup>32</sup> Winding-up of standard licensee's business**

.....

**Textual Amendments**

**F14** Ss. 28-50 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

**F14<sup>33</sup> Consequential amendments relating to ss. 27 to 32**

.....

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**Textual Amendments**

- F14** Ss. 28-50 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

*Duration of licences and charges*

**F1434 Definite and indefinite licences**

.....

**Textual Amendments**

- F14** Ss. 28-50 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

**F1435 Charges for indefinite licences**

.....

**Textual Amendments**

- F14** Ss. 28-50 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

**F1436 Extension of period to pay charge for indefinite licence**

.....

**Textual Amendments**

- F14** Ss. 28-50 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

**F1437 Failure to pay charge for indefinite licence**

.....

**Textual Amendments**

- F14** Ss. 28-50 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

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*Status: This version of this Act contains provisions that are prospective.  
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*Further powers of OFT to regulate conduct of licensees etc.*

**F14<sup>38</sup> Power of OFT to impose requirements on licensees**

.....

**Textual Amendments**

**F14** Ss. 28-50 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

**F14<sup>39</sup> Power of OFT to impose requirements on supervisory bodies**

.....

**Textual Amendments**

**F14** Ss. 28-50 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

**F14<sup>40</sup> Supplementary provision relating to requirements**

.....

**Textual Amendments**

**F14** Ss. 28-50 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

**F14<sup>41</sup> Procedure in relation to requirements**

.....

**Textual Amendments**

**F14** Ss. 28-50 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

**F14<sup>42</sup> Guidance on requirements**

.....

*Status: This version of this Act contains provisions that are prospective.  
Changes to legislation: There are currently no known outstanding effects  
for the Consumer Credit Act 2006. (See end of Document for details)*

**Textual Amendments**

**F14** Ss. 28-50 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

**F14 43 Consequential amendments relating to requirements**

.....

**Textual Amendments**

**F14** Ss. 28-50 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

*Powers and duties in relation to information*

**F14 44 Provision of information etc. by applicants**

.....

**Textual Amendments**

**F14** Ss. 28-50 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

**F14 45 Duties to notify changes in information etc.**

.....

**Textual Amendments**

**F14** Ss. 28-50 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

**F14 46 Power of OFT to require information generally**

.....

**Textual Amendments**

**F14** Ss. 28-50 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**



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**F14 47 Power of OFT to require access to premises**

.....

**Textual Amendments**

**F14** Ss. 28-50 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), [Sch. para. 10\(a\)](#)

**F14 48 Entry to premises under warrant**

.....

**Textual Amendments**

**F14** Ss. 28-50 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), [Sch. para. 10\(a\)](#)

**F14 49 Failure to comply with information requirement**

.....

**Textual Amendments**

**F14** Ss. 28-50 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), [Sch. para. 10\(a\)](#)

**F14 50 Officers of enforcement authorities other than OFT**

.....

**Textual Amendments**

**F14** Ss. 28-50 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), [Sch. para. 10\(a\)](#)

**51 Consequential amendments relating to information**

- F15(1) .....
- F16(2) .....
- F17(3) .....
- F18(4) .....

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*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Consumer Credit Act 2006. (See end of Document for details)*

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(5) In Part 12 of that Act before section 175 insert—

**“174A Powers to require provision of information or documents etc.**

- (1) Every power conferred on a relevant authority by or under this Act (however expressed) to require the provision or production of information or documents includes the power—
  - (a) to require information to be provided or produced in such form as the authority may specify, including, in relation to information recorded otherwise than in a legible form, in a legible form;
  - (b) to take copies of, or extracts from, any documents provided or produced by virtue of the exercise of the power;
  - (c) to require the person who is required to provide or produce any information or document by virtue of the exercise of the power—
    - (i) to state, to the best of his knowledge and belief, where the information or document is;
    - (ii) to give an explanation of the information or document;
    - (iii) to secure that any information provided or produced, whether in a document or otherwise, is verified in such manner as may be specified by the authority;
    - (iv) to secure that any document provided or produced is authenticated in such manner as may be so specified;
  - (d) to specify a time at or by which a requirement imposed by virtue of paragraph (c) must be complied with.
- (2) Every power conferred on a relevant authority by or under this Act (however expressed) to inspect or to seize documents at any premises includes the power to take copies of, or extracts from, any documents inspected or seized by virtue of the exercise of the power.
- (3) But a relevant authority has no power under this Act—
  - (a) to require another person to provide or to produce,
  - (b) to seize from another person, or
  - (c) to require another person to give access to premises for the purposes of the inspection of,

any information or document which the other person would be entitled to refuse to provide or produce in proceedings in the High Court on the grounds of legal professional privilege or (in Scotland) in proceedings in the Court of Session on the grounds of confidentiality of communications.
- (4) In subsection (3) ‘communications’ means—
  - (a) communications between a professional legal adviser and his client;
  - (b) communications made in connection with or in contemplation of legal proceedings and for the purposes of those proceedings.
- (5) In this section ‘relevant authority’ means—
  - (a) the OFT or an enforcement authority (other than the OFT);
  - (b) an officer of the OFT or of an enforcement authority (other than the OFT).”

(6) In section 189(1) of that Act (definitions) after the definition of “deposit” insert—

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Changes to legislation: There are currently no known outstanding effects  
for the Consumer Credit Act 2006. (See end of Document for details)*

“documents’ includes information recorded in any form;”.

<sup>F19</sup>(7) .....

**Textual Amendments**

- F15** S. 51(1) omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**
- F16** S. 51(2) repealed (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), **Sch. 6 para. 85(g)**; [S.I. 2015/1630](#), art. 3(i) (with art. 8)
- F17** S. 51(3) omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**
- F18** S. 51(4) omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**
- F19** S. 51(7) omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

**Commencement Information**

- I38** S. 51 in force at 6.4.2008 by [S.I. 2007/3300](#), art. 3(2), **Sch. 2**

*Civil penalties*

<sup>F20</sup>**52 Power of OFT to impose civil penalties**

.....

**Textual Amendments**

- F20** **Ss. 52-54** omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

<sup>F20</sup>**53 Further provision relating to civil penalties**

.....

**Textual Amendments**

- F20** **Ss. 52-54** omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

<sup>F20</sup>**54 Statement of policy in relation to civil penalties**

.....

*Status: This version of this Act contains provisions that are prospective.  
Changes to legislation: There are currently no known outstanding effects  
for the Consumer Credit Act 2006. (See end of Document for details)*

**Textual Amendments**

**F20** Ss. 52-54 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), [Sch. para. 10\(a\)](#)

*Appeals*

**F21 55 The Consumer Credit Appeals Tribunal**

.....

**Textual Amendments**

**F21** S. 55 repealed (1.9.2009) by [Transfer of Functions of the Consumer Credit Appeals Tribunal Order 2009 \(S.I. 2009/1835\)](#), art. 1, [Sch. 3](#) (with Sch. 4)

**56 Appeals to the Consumer Credit Appeals Tribunal**

(1) In subsection (1) of section 41 of the 1974 Act (appeals) for the words from “prescribed period” onwards substitute “ specified period, appeal to the Tribunal ”.

**F22**(2) .....

(3) Subsections (2) to (5) of that section shall cease to have effect.

**Textual Amendments**

**F22** S. 56(2) repealed (1.9.2009) by [Transfer of Functions of the Consumer Credit Appeals Tribunal Order 2009 \(S.I. 2009/1835\)](#), art. 1, [Sch. 3](#) (with Sch. 4)

**Commencement Information**

**I39** S. 56(1)(3) in force at 6.4.2008 by [S.I. 2007/3300](#), art. 3(2), [Sch. 2](#)

**F23 57 Appeals from the Consumer Credit Appeals Tribunal**

.....

**Textual Amendments**

**F23** S. 57 repealed (1.9.2009) by [Transfer of Functions of the Consumer Credit Appeals Tribunal Order 2009 \(S.I. 2009/1835\)](#), art. 1, [Sch. 3](#) (with Sch. 4)

**F24 58 Consequential amendments relating to appeals**

.....

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*Status: This version of this Act contains provisions that are prospective.  
Changes to legislation: There are currently no known outstanding effects  
for the Consumer Credit Act 2006. (See end of Document for details)*

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**Textual Amendments**

**F24** S. 58 repealed (1.9.2009) by [Transfer of Functions of the Consumer Credit Appeals Tribunal Order 2009 \(S.I. 2009/1835\)](#), art. 1, **Sch. 3** (with Sch. 4)

*Ombudsman scheme*

**F25 59 Financial services ombudsman scheme to apply to consumer credit licensees**

.....

**Textual Amendments**

**F25** S. 59 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

**F26 60 Funding of ombudsman scheme**

.....

**Textual Amendments**

**F26** S. 60 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

**61 Consequential amendments relating to ombudsman scheme**

**F27**(1) .....

**F27**(2) .....

**F27**(3) .....

(4) In subsection (4) of section 229 of that Act (awards by ombudsman) after “specify” insert “ for the purposes of the compulsory jurisdiction ”.

**F28**(5) .....

**F28**(6) .....

**F28**(7) .....

**F28**(8) .....

**F28**(9) .....

**F28**(10) .....

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*Status: This version of this Act contains provisions that are prospective.  
Changes to legislation: There are currently no known outstanding effects  
for the Consumer Credit Act 2006. (See end of Document for details)*

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#### Textual Amendments

- F27** S. 61(1)-(3) omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**
- F28** S. 61(5)-(10) omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

#### Commencement Information

- I40** S. 61 in force at 16.6.2006 by [S.I. 2006/1508](#), art. 3(1), **Sch. 1**

### Miscellaneous

#### <sup>F29</sup> 62 Monitoring of businesses by OFT

.....

#### Textual Amendments

- F29** S. 62 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(a)**

#### 63 Disapplication of s.101 of the 1974 Act

- (1) In section 101 of the 1974 Act (right of hirer to terminate regulated consumer hire agreement) after subsection (8) insert—

“(8A) If it appears to the OFT that it would be in the interests of hirers to do so, it may by general notice direct that, subject to such conditions (if any) as it may specify, this section shall not apply to a consumer hire agreement if the agreement falls within a specified description; and this Act shall have effect accordingly.”

- (2) In subsection (8) of that section for the words from “this section” onwards substitute “, subject to such conditions (if any) as it may specify, this section shall not apply to consumer hire agreements made by the applicant; and this Act shall have effect accordingly ”.

#### Commencement Information

- I41** S. 63 in force at 16.6.2006 by [S.I. 2006/1508](#), art. 3(1), **Sch. 1**

#### 64 Determinations etc. by OFT

For section 183 of the 1974 Act (determinations etc. by OFT) substitute—

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### “183 Determinations etc. by OFT

- (1) The OFT may vary or revoke any determination made, or direction given, by it under this Act.
- (2) Subsection (1) does not apply to—
  - (a) a determination to issue, renew or vary a licence;
  - (b) a determination to extend a period under section 28B or to refuse to extend a period under that section;
  - (c) a determination to end a suspension under section 33;
  - (d) a determination to make an order under section 40(2), 148(2) or 149(2);
  - (e) a determination mentioned in column 1 of the Table in section 41.”

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#### Commencement Information

**I42** S. 64 in force at 6.4.2008 by S.I. 2007/3300, art. 3(2), Sch. 2

### <sup>F30</sup>65 Sums received by OFT

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#### Textual Amendments

**F30** S. 65 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013 (S.I. 2013/1881), art. 1(2)(6), Sch. para. 10(a)

### *Final provisions*

### 66 Financial provision

There shall be payable out of money provided by Parliament—

- (a) any expenditure incurred by a Minister of the Crown or the Office of Fair Trading by virtue of this Act; and
- (b) any increase attributable to this Act in the sums payable out of money so provided by virtue of any other Act.

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#### Commencement Information

**I43** S. 66 in force at 16.6.2006 by S.I. 2006/1508, art. 3(1), Sch. 1

### 67 Interpretation

In this Act—

“the 1974 Act” means the Consumer Credit Act 1974 (c. 39);

“the 2000 Act” means the Financial Services and Markets Act 2000 (c. 8).

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*Status: This version of this Act contains provisions that are prospective.  
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**Commencement Information**

**I44** S. 67 in force at 16.6.2006 by S.I. 2006/1508, art. 3(1), Sch. 1

**68 Consequential amendments**

- (1) The Secretary of State may by order made by statutory instrument make such modifications of—
  - (a) any Act or subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)), or
  - (b) any Northern Ireland legislation or instrument made under such legislation, as he thinks fit in consequence of any provision of this Act.
- (2) An order under this section may include transitional or transitory provisions and savings.
- (3) A statutory instrument containing an order under this section may not be made by the Secretary of State unless a draft has been laid before and approved by a resolution of each House of Parliament.

**Commencement Information**

**I45** S. 68 in force at 16.6.2006 by S.I. 2006/1508, art. 3(1), Sch. 1

**69 Transitional provision and savings**

- (1) Schedule 3 (which sets out transitional provision and savings) has effect.
- (2) The Secretary of State may by order made by statutory instrument make such transitional or transitory provisions and savings as he thinks fit in connection with the coming into force of any provision of this Act.
- (3) An order under this section may (amongst other things)—
  - (a) where a provision of this Act is brought into force for limited purposes only, make provision about how references in Schedule 3 to the commencement of that provision of this Act are to apply;
  - (b) make provision for or in connection with the application of any provision of this Act in relation to—
    - (i) things existing or done, or
    - (ii) persons who have done something or in relation to whom something has been done,
 before the coming into force of that provision of this Act.
- (4) An order under this section may—
  - (a) modify any Act or any subordinate legislation (within the meaning of the Interpretation Act 1978);
  - (b) modify any Northern Ireland legislation or any instrument made under such legislation;
  - (c) make different provision for different cases.



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- (5) Schedule 3 does not restrict the power under this section to make transitional or transitory provisions or savings.

**Commencement Information**

- I46** S. 69(1) in force at 16.6.2006 for specified purposes by S.I. 2006/1508, art. 3(1), **Sch. 1**  
**I47** S. 69(1) in force at 1.10.2006 for specified purposes by S.I. 2006/1508, art. 3(2), **Sch. 2**  
**I48** S. 69(1) in force at 31.1.2007 for specified purposes by S.I. 2007/123, art. 3(1), **Sch. 1**  
**I49** S. 69(1) in force at 6.4.2007 for specified purposes by S.I. 2007/123, art. 3(2), **Sch. 2**  
**I50** S. 69(1) in force at 1.12.2007 for specified purposes by S.I. 2007/3300, art. 3(1), **Sch. 1**  
**I51** S. 69(1) in force at 6.4.2008 for specified purposes by S.I. 2007/3300, art. 3(2), **Sch. 2**  
**I52** S. 69(2)-(5) in force at 16.6.2006 by S.I. 2006/1508, art. 3, Sch. 1, **Sch. 2**

**70 Repeals**

The enactments and instruments set out in Schedule 4 are repealed or revoked to the extent shown in that Schedule.

**Commencement Information**

- I53** S. 70 in force at 6.4.2007 for specified purposes by S.I. 2007/123, art. 3(2), **Sch. 2**  
**I54** S. 70 in force at 6.4.2008 for specified purposes by S.I. 2007/3300, art. 3(2), **Sch. 2**  
**I55** S. 70 in force at 6.4.2008 for specified purposes by S.I. 2008/831, art. 3(1), **Sch. 2**  
**I56** S. 70 in force at 31.10.2008 in so far as not already in force by S.I. 2008/831, art. 3(2), **Sch. 3**

**71 Short title, commencement and extent**

- (1) This Act may be cited as the Consumer Credit Act 2006.  
(2) This Act (apart from this section) shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be appointed for different purposes.  
(3) This Act extends to Northern Ireland.

*Status: This version of this Act contains provisions that are prospective.  
Changes to legislation: There are currently no known outstanding effects  
for the Consumer Credit Act 2006. (See end of Document for details)*

## SCHEDULES

### F31 SCHEDULE 1

Section 55

.....  
**Textual Amendments**

**F31** Sch. 1 repealed (1.9.2009) by [Transfer of Functions of the Consumer Credit Appeals Tribunal Order 2009 \(S.I. 2009/1835\)](#), art. 1, **Sch. 3** (with Sch. 4)

.....  
**F32 SCHEDULE 2**

Section 59

#### PART 3A OF SCHEDULE 17 TO THE 2000 ACT

.....  
**Textual Amendments**

**F32** Sch. 2 omitted (26.7.2013 for specified purposes) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(b)**

*“Introduction*

16A .....

*Procedure for complaints etc.*

16B .....

*Fees*

16C .....

*Enforcement of money awards*

16D .....

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*Status:* This version of this Act contains provisions that are prospective.  
*Changes to legislation:* There are currently no known outstanding effects  
for the Consumer Credit Act 2006. (See end of Document for details)

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*Procedure for consumer credit rules*

16E .....

*Verification of consumer credit rules*

16F .....

*Consultation*

16G .....”

SCHEDULE 3

Section 69

TRANSITIONAL PROVISION AND SAVINGS

*Interpretation*

- 1 (1) Expressions used in the 1974 Act have the same meaning in this Schedule (apart from paragraphs 14 to 16 and 26) as they have in that Act.
- (2) For the purposes of this Schedule an agreement becomes a completed agreement once—
- (a) there is no sum payable under the agreement; and
  - (b) there is no sum which will or may become so payable.

**Commencement Information**

**I57** Sch. 3 para. 1(1) in force at 16.6.2006 by S.I. 2006/1508, art. 3(1), Sch. 1

**I58** Sch. 3 para. 1(2) in force at 6.4.2007 for specified purposes by S.I. 2007/123, art. 3(2), Sch. 2

*Statements to be provided in relation to regulated agreements*

F33<sub>2</sub> .....

**Textual Amendments**

**F33** Sch. 3 para. 2 repealed (31.10.2008) by Legislative Reform (Consumer Credit) Order 2008 (S.I. 2008/2826), arts. 1, 6

- 3 Regulations made under section 78(4A) of the 1974 Act may apply in relation to agreements regardless of when they were made.

**Commencement Information**

**I59** Sch. 3 para. 3 in force at 1.10.2008 by S.I. 2007/3300, art. 3(3), Sch. 3

- 4 (1) Section 7(3) of this Act shall have effect in relation to agreements whenever made.

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- (2) A dispensing notice given under section 185(2) of the 1974 Act which is operative immediately before the commencement of section 7(3)—
- (a) shall, on the commencement of section 7(3), be treated as having been given under section 185(2) as substituted by section 7(3); and
  - (b) shall continue to be operative accordingly.

**Commencement Information**

**I60** Sch. 3 para. 4 in force at 1.10.2008 by S.I. 2007/3300, art. 3(3), Sch. 3

*Default under regulated agreements*

- 5 The OFT shall prepare, and give general notice of, the arrears information sheet and the default information sheet required under section 86A of the 1974 Act as soon as practicable after the commencement of section 8 of this Act.

**Commencement Information**

**I61** Sch. 3 para. 5 in force at 31.1.2007 by S.I. 2007/123, art. 3(1), Sch. 1

- 6 (1) Section 86B of the 1974 Act applies in relation to agreements whenever made.
- (2) In the application of section 86B in relation to an agreement made before the commencement of section 9 of this Act, the conditions under subsection (1) can be satisfied only if the two payments mentioned in paragraph (c) were not required to have been made before the commencement of section 9.
- (3) In the case of an agreement within subsection (9) of section 86B, sub-paragraph (2) has effect as if for “two” there were substituted “four”.

**Commencement Information**

**I62** Sch. 3 para. 6 in force at 1.10.2008 by S.I. 2007/3300, art. 3(3), Sch. 3

- 7 (1) Section 86C of the 1974 Act applies in relation to agreements whenever made.
- (2) In the application of section 86C in relation to an agreement made before the commencement of section 10 of this Act, the conditions mentioned in subsection (1) can be satisfied only if the two payments mentioned in paragraph (b) were not required to have been made before the commencement of section 10.

**Commencement Information**

**I63** Sch. 3 para. 7 in force at 1.10.2008 by S.I. 2007/3300, art. 3(3), Sch. 3

- 8 Section 86E of the 1974 Act applies in relation to agreements whenever made but only as regards default sums which become payable after the commencement of section 12 of this Act.

*Status: This version of this Act contains provisions that are prospective.*  
*Changes to legislation: There are currently no known outstanding effects for the Consumer Credit Act 2006. (See end of Document for details)*

**Commencement Information**

**I64** Sch. 3 para. 8 in force at 1.10.2008 by S.I. 2007/3300, art. 3(3), Sch. 3

- 9 (1) Section 86F of the 1974 Act applies in relation to agreements whenever made but only as regards default sums which become payable after the commencement of section 13 of this Act.
- (2) Where section 86F applies in relation to an agreement made before the commencement of section 13, the agreement shall have effect as if any right of the creditor or owner to recover compound interest in connection with the default sum in question at a particular rate were a right to recover simple interest in that connection at that rate.

**Commencement Information**

**I65** Sch. 3 para. 9 in force at 1.10.2008 by S.I. 2007/3300, art. 3(3), Sch. 3

- 10 Section 14 of this Act shall have effect in relation to any default notice served after the commencement of that section, regardless of—
- (a) when the breach of the agreement in question occurred; or
  - (b) when that agreement was made.

**Commencement Information**

**I66** Sch. 3 para. 10 in force at 1.10.2006 by S.I. 2006/1508, art. 3(2), Sch. 2

- 11 The repeal by this Act of—
- (a) the words “(subject to subsections (3) and (4))” in subsection (1) of section 127 of the 1974 Act,
  - (b) subsections (3) to (5) of that section, and
  - (c) the words “or 127(3)” in subsection (3) of section 185 of that Act,
- has no effect in relation to improperly-executed agreements made before the commencement of section 15 of this Act.

**Commencement Information**

**I67** Sch. 3 para. 11 in force at 6.4.2007 by S.I. 2007/123, art. 3(2), Sch. 2

- 12 A debtor or hirer under an agreement may make an application under section 129(1)(ba) of the 1974 Act regardless of when that agreement was made.

**Commencement Information**

**I68** Sch. 3 para. 12 in force at 1.10.2008 by S.I. 2007/3300, art. 3(3), Sch. 3

- 13 Section 130A of the 1974 Act applies in relation to agreements whenever made but only as regards sums that are required to be paid under judgments given after the commencement of section 17 of this Act.

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*Status:* This version of this Act contains provisions that are prospective.  
*Changes to legislation:* There are currently no known outstanding effects  
for the Consumer Credit Act 2006. (See end of Document for details)

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**Commencement Information**

**I69** Sch. 3 para. 13 in force at 1.10.2008 by S.I. 2007/3300, art. 3(3), Sch. 3

*Unfair relationships*

- 14 (1) The court may make an order under section 140B of the 1974 Act in connection with a credit agreement made before the commencement of section 20 of this Act but only—
- (a) on an application of the kind mentioned in paragraph (a) of subsection (2) of section 140B made at a time after the end of the transitional period; or
  - (b) at the instance of the debtor or a surety in any proceedings of the kind mentioned in paragraph (b) or (c) of that subsection which were commenced at such a time.
- (2) But the court shall not make such an order in connection with such an agreement so made if the agreement—
- (a) became a completed agreement before the commencement of section 20; or
  - (b) becomes a completed agreement during the transitional period.
- (3) Expressions used in sections 140A to 140C of the 1974 Act have the same meaning in this paragraph as they have in those sections.
- (4) In this paragraph “the transitional period” means the period of one year beginning with the day of the commencement of section 20.
- (5) An order under section 69 of this Act may extend, or further extend, the transitional period.

**Commencement Information**

**I70** Sch. 3 para. 14 in force at 6.4.2007 by S.I. 2007/123, art. 3(2), Sch. 2

- 15 (1) The repeal by this Act of sections 137 to 140 of the 1974 Act shall not affect the court's power to reopen an existing agreement under those sections as set out in this paragraph.
- (2) The court's power to reopen an existing agreement which—
- (a) became a completed agreement before the commencement of section 22(3) of this Act, or
  - (b) becomes a completed agreement during the transitional period,
- is not affected at all.
- (3) The court may also reopen an existing agreement—
- (a) on an application of the kind mentioned in paragraph (a) of subsection (1) of section 139 made at a time before the end of the transitional period; or
  - (b) at the instance of the debtor or a surety in any proceedings of the kind mentioned in paragraph (b) or (c) of that subsection which were commenced at such a time.
- (4) Nothing in section 16A or 16B of the 1974 Act shall affect the application of sections 137 to 140 (whether by virtue of this paragraph or otherwise).

*Status: This version of this Act contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Consumer Credit Act 2006. (See end of Document for details)*

- (5) The repeal or revocation by this Act of the following provisions has no effect in relation to existing agreements so far as they may be reopened as set out in this paragraph—
- (a) section 16(7) of the 1974 Act;
  - (b) in section 143(b) of that Act, the words “, 139(1)(a)”;
  - (c) section 171(7) of that Act;
  - (d) in subsection (1) of section 181 of that Act, the words “139(5) and (7),”;
  - (e) in subsection (2) of that section, the words “or 139(5) or (7)”;
  - (f) in section 61(6) of the Bankruptcy (Scotland) Act 1985 (c. 66), the words from the beginning to “but”;
  - (g) in section 343(6) of the Insolvency Act 1986 (c. 45), the words from the beginning to “But”;
  - (h) Article 316(6) of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)).
- (6) Expressions used in sections 137 to 140 of the 1974 Act have the same meaning in this paragraph as they have in those sections.
- (7) In this paragraph—
- “existing agreement” means a credit agreement made before the commencement of section 22(3) of this Act;
  - “the transitional period” means the period of one year beginning with the day of the commencement of section 22(3).
- (8) An order under section 69 of this Act may extend, or further extend, the transitional period.

#### Commencement Information

**I71** Sch. 3 para. 15 in force at 6.4.2007 by S.I. 2007/123, art. 3(2), Sch. 2

- 16 (1) It is immaterial for the purposes of section 140C(4)(a) to (c) of the 1974 Act when (as the case may be) a credit agreement or a linked transaction was made or a security was provided.
- (2) In relation to an order made under section 140B of the 1974 Act during the transitional period in connection with a credit agreement—
- (a) references in subsection (1) of that section to any related agreement shall not include references to a related agreement to which this sub-paragraph applies;
  - (b) the reference to a security in paragraph (d) of that subsection shall not include a reference to a security to which this sub-paragraph applies;
- and the order shall not under paragraph (g) of that subsection direct accounts to be taken, or (in Scotland) an accounting to be made, between any persons in relation to a related agreement to which this sub-paragraph applies.
- (3) Sub-paragraph (2) applies to a related agreement or a security if—
- (a) it was made or provided before the commencement of section 21 of this Act; and
  - (b) it ceased to have any operation before the order under section 140B is made.

*Status: This version of this Act contains provisions that are prospective.  
 Changes to legislation: There are currently no known outstanding effects  
 for the Consumer Credit Act 2006. (See end of Document for details)*

- (4) In relation to an order made under section 140B after the end of the transitional period in connection with a credit agreement—
  - (a) references in subsection (1) of that section to any related agreement shall not include references to a related agreement to which this sub-paragraph applies;
  - (b) the reference to a security in paragraph (d) of that subsection shall not include a reference to a security to which this sub-paragraph applies;
 and the order shall not under paragraph (g) of that subsection direct accounts to be taken, or (in Scotland) an accounting to be made, between any persons in relation to a related agreement to which this sub-paragraph applies.
- (5) Sub-paragraph (4) applies to a related agreement or a security if—
  - (a) it was made or provided before the commencement of section 21; and
  - (b) it ceased to have any operation before the end of the transitional period.
- (6) Expressions used in sections 140A to 140C of the 1974 Act have the same meanings in this paragraph as they have in those sections.
- (7) In this paragraph “the transitional period” means the period of one year beginning with the day of the commencement of section 21.
- (8) An order under section 69 of this Act may extend, or further extend, the transitional period.

**Commencement Information**  
**I72** Sch. 3 para. 16 in force at 6.4.2007 by S.I. 2007/123, art. 3(2), Sch. 2

PROSPECTIVE

17 Section 1 of this Act shall have no effect for the purposes of section 140C(1) of the 1974 Act in relation to agreements made before the commencement of section 1.

*Applications for licences and fitness to hold a licence etc.*

<sup>F34</sup>18 .....

**Textual Amendments**  
**F34** Sch. 3 paras. 18-25 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013 (S.I. 2013/1881), art. 1(2)(6), Sch. para. 10(c)

<sup>F34</sup>19 .....



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*Status:* This version of this Act contains provisions that are prospective.  
*Changes to legislation:* There are currently no known outstanding effects  
for the Consumer Credit Act 2006. (See end of Document for details)

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**Textual Amendments**

**F34** Sch. 3 paras. 18-25 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(c)**

*Further powers of OFT to regulate conduct of licensees etc.*

**F34**<sup>20</sup> .....

**Textual Amendments**

**F34** Sch. 3 paras. 18-25 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(c)**

**F34**<sup>21</sup> .....

**Textual Amendments**

**F34** Sch. 3 paras. 18-25 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(c)**

**F34**<sup>22</sup> .....

**Textual Amendments**

**F34** Sch. 3 paras. 18-25 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(c)**

*Powers and duties in relation to information*

**F34**<sup>23</sup> .....

**Textual Amendments**

**F34** Sch. 3 paras. 18-25 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(c)**

**F34**<sup>24</sup> .....

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*Status: This version of this Act contains provisions that are prospective.*  
*Changes to legislation: There are currently no known outstanding effects for the Consumer Credit Act 2006. (See end of Document for details)*

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**Textual Amendments**

**F34** Sch. 3 paras. 18-25 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(c)**

*Civil penalties*

<sup>F34</sup>25 .....

**Textual Amendments**

**F34** Sch. 3 paras. 18-25 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 10(c)**

*Appeals*

- 26 (1) A person who—
- (a) immediately before the commencement of section 55 of this Act is a member of a panel established under regulation 24 of the appeals regulations, and
  - (b) at the time of his appointment to that panel fell within paragraph (2)(a) of that regulation,
- shall be treated as having been appointed to the panel of chairmen on the day of the commencement of section 55.
- (2) A person who—
- (a) immediately before the commencement of section 55 is a member of a panel established under regulation 24 of the appeals regulations, and
  - (b) is not to be treated as having been appointed to the panel of chairmen in accordance with sub-paragraph (1),
- shall be treated as having been appointed to the lay panel on the day of the commencement of section 55.
- (3) A person who is to be treated as having been appointed to the panel of chairmen or to the lay panel in accordance with this paragraph shall, subject to paragraph 4(2) and (3) of Schedule A1 to the 1974 Act, hold office as a member of the panel in question—
- (a) for the remainder of the period for which he was appointed under regulation 24 of the appeals regulations; and
  - (b) on the terms on which he was so appointed (except as to the renewal of his appointment).
- (4) In this paragraph—
- “appeals regulations” means the Consumer Credit Licensing (Appeals) Regulations 1998 (S.I. 1998/1203);
- “lay panel” and “panel of chairmen” have the same meanings as in Schedule A1 to the 1974 Act.

*Status:* This version of this Act contains provisions that are prospective.  
*Changes to legislation:* There are currently no known outstanding effects  
for the Consumer Credit Act 2006. (See end of Document for details)

**Commencement Information**

**I73** Sch. 3 para. 26 in force at 6.4.2008 by S.I. 2007/3300, art. 3(2), Sch. 2

- 27 (1) Neither—
- (a) subsections (1) and (2) of section 56 of this Act, nor
  - (b) the repeal by this Act of subsections (2) to (5) of section 41 of the 1974 Act, has effect in relation to determinations of the OFT made before the commencement of section 56.
- (2) This Act, so far as it repeals section 11 of the Tribunals and Inquiries Act 1992 (c. 53), has no effect in relation to such determinations so made.
- (3) The repeal by this Act of paragraph 27(2) of Schedule 25 to the Enterprise Act 2002 (c. 40) has no effect in relation to such determinations so made.

**Commencement Information**

**I74** Sch. 3 para. 27 in force at 6.4.2008 by S.I. 2007/3300, art. 3(2), Sch. 2

- 28 Neither subsection (1) nor (4)(a) of section 58 of this Act has effect in relation to determinations of the OFT made before the commencement of that section.

**Commencement Information**

**I75** Sch. 3 para. 28 in force at 6.4.2008 by S.I. 2007/3300, art. 3(2), Sch. 2

*Ombudsman scheme*

- 29 Section 1 of this Act shall have no effect for the purposes of section 226A(4)(a) of the 2000 Act in relation to a complaint which relates to an act or omission occurring before the commencement of section 1.

**Commencement Information**

**I76** Sch. 3 para. 29 in force at 6.4.2007 by S.I. 2007/123, art. 3(2), Sch. 2

SCHEDULE 4

Section 70

REPEALS

**Commencement Information**

- I77** Sch. 4 in force at 6.4.2007 for specified purposes by S.I. 2007/123, art. 3(2), Sch. 2  
**I78** Sch. 4 in force at 6.4.2008 for specified purposes by S.I. 2007/3300, art. 3(2), Sch. 2  
**I79** Sch. 4 in force at 6.4.2008 for specified purposes by S.I. 2008/831, art. 3(1), Sch. 2 (with Sch. 1)  
**I80** Sch. 4 in force at 31.10.2008 in so far as not already in force by S.I. 2008/831, art. 3(2), Sch. 3

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<i>Act or instrument</i>	<i>Extent of repeal</i>
Consumer Credit Act 1974 (c. 39)	<p>In section 2(7), the words “or 150”.</p> <p>In section 6(2), the words “and must be accompanied by the specified fee”.</p> <p>Section 8(2).</p> <p>In section 15, subsection (1)(c) and the “and” immediately preceding it.</p> <p>Section 16(7).</p> <p>Section 22(9) and (10).</p> <p>Section 23(2).</p> <p>Section 25(1A).</p> <p>Section 29(5).</p> <p>Section 32(5).</p> <p>Section 36(6).</p> <p>In section 40(6), the words “, other than a non-commercial agreement,”.</p> <p>In section 41—</p> <ul style="list-style-type: none"> <li>(a) subsections (2) to (5); and</li> <li>(b) in the Table the entry relating to “refusal to give directions in respect of a licensee under section 29(5) or 32(5)”.</li> </ul> <p>In section 43, subsection (3)(a) and the “or” immediately after it.</p> <p>In section 127—</p> <ul style="list-style-type: none"> <li>(a) in subsection (1) the words “(subject to subsections (3) and (4))”; and</li> <li>(b) subsections (3) to (5).</li> </ul> <p>Sections 137 to 140.</p> <p>In section 143(b), the words “, 139(1)(a)”.</p> <p>In section 147—</p> <ul style="list-style-type: none"> <li>(a) subsection (1); and</li> <li>(b) in subsection (2) the words “(as applied by subsection (1))”.</li> </ul> <p>Section 150.</p> <p>In section 162—</p> <ul style="list-style-type: none"> <li>(a) in subsection (1)(b)(i), the words “books or”;</li> <li>(b) in subsection (1)(b), the words “and take copies of, or of any entry in, the books or documents”;</li> <li>(c) in subsections (1)(d) and (e), (2) and (3) the word “books”; and</li> <li>(d) subsection (7).</li> </ul> <p>Section 171(7).</p> <p>In section 181—</p> <ul style="list-style-type: none"> <li>(a) in subsection (1) the words “43(3)(a),” and the words “139(5) and (7),”; and</li> <li>(b) in subsection (2) the words “43(3)(a),” and the words “or 139(5) or (7)”.</li> </ul> <p>In section 185(3), the words “or 127(3)”.</p> <p>In section 189(1)—</p> <ul style="list-style-type: none"> <li>(a) the definition of “costs”;</li> </ul>

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	(b) in the definition of “licence” the words from “(including” onwards; and (c) the definition of “personal credit agreement”.
	In Schedule 2, in Part 1, the entry relating to “personal credit agreement”.
Bankruptcy (Scotland) Act 1985 (c. 66)	In section 61(6), the words from the beginning to “but”.
Insolvency Act 1986 (c. 45)	In section 343(6), the words from the beginning to “But”.
Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19))	Article 316(6).
Tribunals and Inquiries Act 1992 (c. 53)	In section 11— (a) subsection (6); (b) in subsection (7)(a), the words from “or on an appeal” to “Scotland” in the third place where it occurs; and (c) in subsection (8), the words from “and in relation to” to “Northern Ireland” in the third place where it occurs.
Enterprise Act 2002 (c. 40)	In Schedule 25, paragraphs 6(18)(b) and 27(2).

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**Status:**

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**Changes to legislation:**

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