

# Consumer Credit Act 1974

## CHAPTER 39

# CONSUMER CREDIT ACT 1974

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- 2 Powers of Secretary of State.
- 3 Supervision by Council on Tribunals.
- 4 Dissemination of information and advice.
- 5 Annual and other reports.
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- 10 Running-account credit and fixed-sum credit.
- 11 Restricted-use credit and unrestricted-use credit.
- 12 Debtor-creditor supplier agreements.
- 13 Debtor-creditor agreements.
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- 68 Cooling-off period.
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74 Exclusion of certain agreements from Part V.

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- 79 Duty to give hirer information.
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- 91 Consequences of breach of s. 90.
- 92 Recovery of possession of goods or land.
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- 93A Summary diligence not competent in Scotland.

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- 95 Rebate on early settlement.
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- 100 Liability of debtor on termination of hire-purchase etc. agreement.
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- 108 Duty to give information to surety under running-account credit agreement.
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- 110 Duty to give information to debtor or hirer.
- 111 Duty to give surety copy of default etc. notice.
- 112 Realisation of securities.
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- 115 Penalty for failure to supply copies of pledge agreement, etc.
- 116 Redemption period.
- 117 Redemption procedure.
- 118 Loss etc. of pawn-receipt.
- 119 Unreasonable refusal to deliver pawn.
- 120 Consequence of failure to redeem.
- 121 Realisation of pawn.
- 122 Order in Scotland to deliver pawn.

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- 124 Consequences of breach of s. 123.
- 125 Holders in due course.

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- 132 Financial relief for hirer.
- 133 Hire-purchase etc. agreements: special powers of court.

134 Evidence of adverse detention in hire-purchase etc. cases.

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- 138 When bargains are extortionate.
- 139 Reopening of extortionate agreements.
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- 147 Application of Part III.
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- 150 Appeals to Secretary of State against licensing decisions.

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- 152 Application of sections 52 to 54 to credit brokerage etc.
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- 155 Right to recover brokerage fees.

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156 Entry into agreements.

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- 157 Duty to disclose name etc. of agency.
- 158 Duty of agency to disclose filed information.
- 159 Correction of wrong information.
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- 162 Powers of entry and inspection.
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- 166 Notification of convictions and judgments to Director.
- 167 Penalties.
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- 170 No further sanctions for breach of Act.
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- 175 Duty of persons deemed to be agents.
- 176 Service of documents.
- 176A Electronic transmission of documents
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  - 178 Local Acts.

#### Regulations, orders, etc.

- 179 Power to prescribe form etc. of secondary documents.
- 180 Power to prescribe form etc. of copies.
- 181 Power to alter monetary limits etc.
- 182 Regulations and orders.
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- 185 Agreement with more than one debtor or hirer.
- 186 Agreement with more than one creditor or owner.
- 187 Arrangements between creditor and supplier.
- 187A Definition of 'default sum'

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- 189 Definitions.
- 189A Meaning of "consumer credit EEA firm"
  - 190 Financial provisions.
  - 191 Special provisions as to Northern Ireland.
  - 192 Transitional and commencement provisions, amendments and repeals.
  - 193 Short title and extent.

## SCHEDULES

SCHEDULE A1 — The Consumer Credit Appeals Tribunal Part 1 — INTERPRETATION

- 1 In this Schedule— "the Deputy President" means the Deputy President...
  - Part 2 THE TRIBUNAL

## The President and the Deputy President

2 (1) The Lord Chancellor shall appoint one of the members...

## Panels

3 (1) The Lord Chancellor shall appoint a panel of persons...

## Terms of office etc.

4 (1) Each member of the panel of chairmen or the...

## Remuneration and allowances

5 The Lord Chancellor may pay to a person in respect...

## Staff and costs

- 6 (1) The Lord Chancellor may appoint such staff for the... Part 3 — CONSTITUTION OF THE TRIBUNAL
- 7 (1) On an appeal to the Tribunal, the persons to... Part 4 — TRIBUNAL POWERS AND PROCEDURE

## Sittings

8 The Tribunal shall sit at such times and in such...

## Evidence

9 (1) Subject to sub-paragraph (2), the Tribunal may, on an...

## Rules on procedure

10 Rules may include, amongst other things, provision-

## Council on Tribunals

11 A member of the Council on Tribunals or of its...

## Disposal of appeals

12 (1) The Tribunal shall decide an appeal by reference to...

## Decisions of the Tribunal

13 (1) A decision of the Tribunal may be taken by...

#### Costs

- 14 (1) Where the Tribunal disposes of an appeal and—
- 15 Where— (a) the Tribunal disposes of an appeal or an...
- 16 An order of the Tribunal under paragraph 14 or 15...
  - SCHEDULE 1 Prosecution and Punishment of Offences
  - SCHEDULE 2 Examples of Use of New Terminology Part I — LISTS OF TERMS Part II
  - SCHEDULE 3 Transitional and Commencement Provisions Part II of Act — CREDIT AGREEMENTS, HIRE AGREEMENTS AND LINKED TRANSACTIONS

#### Regulated agreements

1 (1) An agreement made before 1st April 1977is not a...

#### Linked transactions

- 2 A transaction may be a linked transaction in relation to...
- 3 Section 19(3) applies only to transactions entered into on or...

## Total charge for credit

4 Section 20 applies to consumer credit agreements whenever made. Part III of Act — LICENSING OF CREDIT AND HIRE BUSINESSES

#### Businesses needing a licence

5 (1) Section 21 does not apply to the carrying on...

## The register

6 Sections 35 and 36 come into operation on 2nd February...

## Enforcement of agreements made by unlicensed trader

7 Section 40 does not apply to a regulated agreement made... Part IV of Act — SEEKING BUSINESS

#### Advertisements

8 Part IV does not apply to any advertisement published before...

## Canvassing

9 Section 49 comes into operation on 1st October 1977.

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## Circulars to minors

10 Section 50 comes into operation on 1st July 1977.

## Unsolicited credit-tokens

11 (1) Section 51(1) does not apply to the giving of... Part V of Act — ENTRY INTO CREDIT OR HIRE AGREEMENTS

## Antecedent negotiations

12 (1) Section 56 applies to negotiations in relation to an...

## General

- 13 Sections 57 to 59, 61 to 65 and 67 to...
- 14 Section 66 comes into operation on 19th May 1985.

Part VI of Act — MATTERS ARISING DURING CURRENCY OF CREDIT OR HIRE AGREEMENTS

## Liability of creditor for breaches by supplier

15 Section 75 comes into operation on 1st July 1977 but...

Duty to give notice

16 (1) Section 76 comes into operation on 19th May 1985....

## Duty to give information

17 (1) Sections 77 to 80 come into operation on 19th...

Appropriation of payments

18 Section 81 comes into operation on 19th May 1985.

Variation of agreements

19 Section 82 comes into operation on 1st April 1977.

## Misuse of credit facilities

20 (1) Sections 83 and 84 come into operation on 19th...

## Duty on issue of new credit-tokens

21 (1) Section 85 comes into operation on 19th May 1985....

## Death of debtor or hirer

22 (1) Section 86 comes into operation on 19th May 1985.... Part VII of Act — DEFAULT AND TERMINATION

## Default notices

23 Sections 87 to 89 come into operation on 19th May...

## Retaking of goods and land

24 Sections 90 and 91 come into operation on 19th May...

25 Section 92 comes into operation on 19th May 1985.

Interest on default

26 Section 93 comes into operation on 19th May 1985.

## Early payment by debtor

27 Sections 94 to 97 come into operation on 19th May...

## Termination of agreements

29 Section 99 comes into operation on 19th May 1985.

- 30 Section 100 comes into operation on 19th May 1985.
- 31 Section 101 comes into operation on 19th May 1985.
- 32 Section 102 comes into operation on 19th May 1985.
- 33 Section 103 comes into operation on 19th May 1985.
- 34 Section 104 comes into operation on 19th May 1985.

## Old agreements

35 Part VII (except sections 90, 91, 93 and 99 to... Part VIII of Act — SECURITY

## General

- 36 Section 105 comes into operation on 19th May 1985.
- 37 (1) Sections 107 to 110 come into operation on 19th...
- 38 (1) Section 111 comes into operation on 19th May 1985....

## Pledges

39 Sections 114 to 122 come into operation on 19th May...

## Negotiable instruments

40 Sections 123 to 125 come into operation on 19th May...

## Land mortgages

- 41 Section 126 comes into operation on 19th May 1985. Part IX of Act — JUDICIAL CONTROL
- 42 Sections 137 to 140 (extortionate credit bargains) come into operation...
- 43 Subject to paragraph 42, Part IX comes into operation on... Part X of Act — ANCILLARY CREDIT BUSINESSES

## Licensing

44 (1) Section 21(1) does not apply (by virtue of section...

## Enforcement of agreements made by unlicensed trader

45 Section 148(1) does not apply to an agreement made in...

## Introductions by unlicensed credit-broker

46 Section 149 does not apply to a regulated agreement made...

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## Advertisements

47 Subsections (1) and (2) of section 151 do not apply...

## *Credit reference agencies*

48 Sections 157 and 158 do not apply to a request... Part XII of Act — SUPPLEMENTAL

## Interpretation

- 49 (1) In the case of an agreement—
- 50 In section 189, the definition of "local authority" shall...

## SCHEDULE 4. — MINOR AND CONSEQUENTIAL AMENDMENTS PART I — UNITED KINGDOM

## Bills of Sale Act (1878) Amendment Act 1882

1 The following section shall be inserted after section 7 Default...

## Factors Act 1889

- 2 At the end of section 9 insert For the purposes...

## Law of Distress Amendment Act 1908

5 The following section shall be inserted after section 4— Hire...

## Bankruptcy Act 1914

6 The following section shall be inserted after section 38— Hire...

## Compensation (Defence) Act 1939

- 7 In section 13 after "hire-purchase agreement" insert "or a...
- 8 In section 17(1)—(1) After the definition of "aircraft"...

## Liability for War Damage (Miscellaneous Provisions) Act 1939

- 9 In section 1(3), for paragraphs (a) and (b) substitute—
- 10 .....

## Rag Flock and Other Filing Materials Act 1951

11 For section 10(7) substitute— (7) References in this section to...

## Reserve and Auxiliary Forces (Protection of Civil Interest) Act 1951

- 12 In section 4 for subsections (4), (5) and (6), substitute—...
- 13 For section 10 substitute— Property in goods subject to hire-purchase...
- 14 In section 64(I)—(1) after the definition of "compulsory national...

## Clean Air Act 1956

- 15 In section 14 for the words "a hire-purchase agreement for...
- 16 In section 34(1)— (a) after the definition of "chimney"...

Restrictive Trade Practices Act 1956

17 For section 26(3) substitute—(3) In this Part of this...

#### Housing Act 1957

18 For section 94 substitute— Power to provide furniture. A local authority may fit out, furnish and supply any...

#### County Courts Act 1959

- 19 At the end of section 192(2)(C) insert—

## Hire Purchase Act 1964

22 For Part III substitute the following (which reproduces the existing...

#### Emergency Laws (Re-enactment and Repeals) Act 1964

23 In section 1-(1) In subsection (1) for "or credit-sale...

## Trading Stamps Act 1964

- 24 In section 2, for subsection (1) substitute—
- 25 In section 3, for subsection (4) substitute—
- 26 In section 10(1)—(1) after the definition of "cash value...

#### Housing (Scotland) Act 1966

27 In section 140(2), for the words from "as defined "...

## Trade Descriptions Act 1968

- 28 In section 28, insert the following new subsection after subsection...
- 29 .....

## Administration of Justice Act 1970

- 30 After section 38 insert the following new section— This Part of this Act shall not apply to a...
- 31 In section 54(6)(c) after "36" insert "38A".

## Vehicles (Excise) Act 1971

- 32 In section 38(1)—(1) before the definition of "gas"...
- 33 ....

## Counter-Inflation Act 1973

34 In section 21(5)— (a) for "total purchase price or hire-purchase...

#### Supply of Goods (Implied Terms) Act 1973

- 35 For sections 8 to 12 substitute the following sections (which...
- 36 For sections 14 and 15 substitute the following sections (which...

## Fair Trading Act 1973

37 For section 138(5) substitute— (5) In subsection (4) of this... Part II — NORTHERN IRELAND

## Irish Bankrupt and Insolvent Act 1857

38 The following section shall be inserted after section 313— Hirepurchase...

## Bills of Sale (Ireland) Act (1879) Amendment Act 1883

39 The following section shall be inserted after section 7:— Defaults...

Liability for War Damage (Miscellaneous Provisions) Act (Northern Ireland) 1939

- 40 In section 1(3), for paragraph (a) and (b) substitute—
- 41, 42 .....

## Trading Stamps Act (Northern Ireland) 1965

- 43 In section 2, for subsection (1) substitute—
- 44 In section 3, for subsection (4) substitute—
- 45 In section 9-(1) after the definition of "cash value...
- 46, 47 .....
  - 48 .....

Hire-Purchase Act (Northern Ireland) 1966

49 For Part VI substitute the following (which reproduces the existing...

Vehicles (Excise) Act (Northern Ireland) 1972

50 In section 35(1)— (a) before the definition of "gas"...

Miscellaneous Transferred Excise Duties Act (Northern Ireland) 1972

51 In section 1(2) for "VII" where first occurring substitute...

Schedule 5 — Repeals

## Status:

Point in time view as at 01/02/1991.

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