



# Consumer Credit Act 1974

## 1974 CHAPTER 39

### PART I

#### [<sup>F1</sup>OFFICE OF FAIR TRADING]

##### Textual Amendments

- F1** Words in Pt 1 heading substituted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 278, Sch. 25 para. 6(2) (e); S.I. 2003/766, art. 2, Sch. (with art. 3)

#### **1** General functions of [<sup>F2</sup>OFT].

- (1) It is the duty of the [<sup>F3</sup> the Office of Fair Trading (“the OFT”)]
- (a) to administer the licensing system set up by this Act,
  - (b) to exercise the adjudicating functions conferred on [<sup>F4</sup>it] by this Act in relation to the issue, renewal, variation, suspension and revocation of licences, and other matters,
  - (c) generally to superintend the working and enforcement of this Act, and regulations made under it, and
  - (d) where necessary or expedient, [<sup>F5</sup>itself] to take steps to enforce this Act, and regulations so made.
- (2) It is the duty of the [<sup>F6</sup>OFT] , so far as appears to [<sup>F7</sup>it] to be practicable and having regard both to the national interest and the interests of persons carrying on businesses to which this Act applies and their customers, to keep under review and from time to time advise the Secretary of State about—
- (a) social and commercial developments in the United Kingdom and elsewhere relating to the provision of credit or bailment or (in Scotland) hiring of goods to individuals, and related activities; and
  - (b) the working and enforcement of this Act and orders and regulations made under it.

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### Textual Amendments

- F2** Words in sidenote of s. 1 substituted (1.4.2003) by Enterprise Act 2002 (c. 40), ss. 278, 279, Sch. 25 para. 6(2)(c); S.I. 2003/766, art. 2, Sch. (with art. 3)
- F3** Words in s. 1 substituted (1.4.2003) by Enterprise Act 2002 (c. 40), ss. 278, 279, Sch. 25 para. 6(2)(a)(i); S.I. 2003/766, art. 2, Sch. (with art. 3)
- F4** Word in s. 1(1)(b) substituted (1.4.2003) by Enterprise Act 2002 (c. 40), ss. 278, 279, Sch. 25 para. 6(2)(a)(ii); S.I. 2003/766, art. 2, Sch. (with art. 3)
- F5** Word in s. 1(1)(d) substituted (1.4.2003) by Enterprise Act 2002 (c. 40), ss. 278, 279, Sch. 25 para. 6(2)(a)(iii); S.I. 2003/766, art. 2, Sch. (with art. 3)
- F6** Words in s. 1(2) substituted (1.4.2003) by Enterprise Act 2002 (c. 40), ss. 278, 279, Sch. 25 para. 6(2)(b)(i); S.I. 2003/766, art. 2, Sch. (with art. 3)
- F7** Word in s. 1(2) substituted (1.4.2003) by Enterprise Act 2002 (c. 40), ss. 278, 279, Sch. 25 para. 6(2)(b)(ii); S.I. 2003/766, art. 2, Sch. (with art. 3)

## 2 Powers of Secretary of State.

- (1) The Secretary of State may by order—
- (a) confer on the [F8OFT] additional functions concerning the provision of credit or bailment or (in Scotland) hiring of goods to individuals, and related activities, and
  - (b) regulate the carrying out by the [F8OFT] of [F9its] functions under this Act.
- (2) The Secretary of State may give general directions indicating considerations to which the [F8OFT] should have particular regard in carrying out [F9its] functions under this Act, and may give specific directions on any matter connected with the carrying out by the [F8OFT] of those functions.
- (3) The Secretary of State, on giving any directions under subsection (2), shall arrange for them to be published in such manner as he thinks most suitable for drawing them to the attention of interested persons.
- (4) With the approval of the Secretary of State and the Treasury, the [F8OFT] may charge, for any service or facility provided by [F10it] under this Act, a fee of an amount specified by general notice (the “specified fee”).
- (5) Provision may be made under subsection (4) for reduced fees, or no fees at all, to be paid for certain services or facilities by persons of a specified description, and references in this Act to the specified fee shall, in such cases, be construed accordingly.
- (6) An order under subsection (1)(a) shall be made by statutory instrument and shall be of no effect unless a draft of the order has been laid before and approved by each House of Parliament.
- (7) References in subsection (2) to the functions of the [F8OFT] under this Act do not include the making of a determination to which section 41 or 150 (appeals from [F8OFT] to Secretary of State) applies.

### Textual Amendments

- F8** Words in s. 2 substituted (1.4.2003) by Enterprise Act 2002 (c.40), ss. 278, 279, Sch. 25 para. 6(3)(a); S.I. 2003/766, art. 2, Sch. (with art. 3)

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- F9** Words in s. 2(1)(b)(2) substituted (1.4.2003) by Enterprise Act 2002 (c. 40), ss. 278, 279, Sch. 25 para. 6(3)(b); S.I. 2003/766, art. 2, Sch. (with art. 3)
- F10** Word in s. 2(4) substituted (1.4.2003) by Enterprise Act 2002 (c. 40), ss. 278, 279, Sch. 25 para. 6(3)(c); S.I. 2003/766, art. 2, Sch. (with art. 3)

**F113** .....

#### Textual Amendments

- F11** S. 3 repealed (1.10.1992) by Tribunals and Inquiries Act 1992 (c. 53), ss. 18(2), 19(2), Sch. 4 Pt. I.

## 4 Dissemination of information and advice.

The [F12OFT] shall arrange for the dissemination, in such form and manner as [F13it] considers appropriate, of such information and advice as it may appear to [F14it] expedient to give to the public in the United Kingdom about the operation of this Act, the credit facilities available to them, and other matters within the scope of [F15its] functions under this Act.

#### Textual Amendments

- F12** Words in s. 4 substituted (1.4.2003) by Enterprise Act 2002 (c. 40), ss. 278, 279, Sch. 25 para. 6(4)(a); S.I. 2003/766, art. 2, Sch. (with art. 3)
- F13** Word in s. 4 substituted (1.4.2003) by Enterprise Act 2002 (c. 40), ss. 278, 279, Sch. 25 para. 6(4)(b); S.I. 2003/766, art. 2, Sch. (with art. 3)
- F14** Word in s. 4 substituted (1.4.2003) by Enterprise Act 2002 (c. 40), ss. 278, 279, Sch. 25 para. 6(4)(b); S.I. 2003/766, art. 2, Sch. (with art. 3)
- F15** Word in s. 4 substituted (1.4.2003) by Enterprise Act 2002 (c. 40), ss. 278, 279, Sch. 25 para. 6(4)(b); S.I. 2003/766, art. 2, Sch. (with art. 3)

## 5 Annual and other reports. <sup>X1</sup>

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

#### Editorial Information

- X1** The text of ss. 3(a)(b)(c), 5, 42(1)(2)(3), 192(3)(a)(b), Sch. 4 Pt. I paras. 1, 2, 5, 7 - 9, 11 - 17, 19, 22 - 28, 30 - 32, 34 - 37, Sch. 4 Pt. II paras. 39, 40, 43 - 45, 49 - 51 and Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## 6 Form etc. of applications.

- (1) An application to the [F16OFT] under this Act is of no effect unless the requirements of this section are satisfied.

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- (2) The application must be in writing, and in such form, and accompanied by such particulars, as the [F16OFT] may specify by general notice, and must be accompanied by the specified fee.
- (3) After giving preliminary consideration to an application, the [F16OFT] may by notice require the applicant to furnish [F17it] with such further information relevant to the application as may be described in the notice, and may require any information furnished by the applicant (whether at the time of the application or subsequently) to be verified in such manner as the [F16OFT] may stipulate.
- (4) The [F16OFT] may by notice require the applicant to publish details of his application at a time or times and in a manner specified in the notice.

#### Textual Amendments

**F16** Words in s. 6 substituted (1.4.2003) by Enterprise Act 2002 (c. 40), ss. 278, 279, Sch. 25 para. 6(5) (a); S.I. 2003/766, art. 2, Sch. (with art. 3)

**F17** Word in s. 6(3) substituted (1.4.2003) by Enterprise Act 2002 (c. 40), ss. 278, 279, Sch. 25 para. 6(5) (b); S.I. 2003/766, art. 2, Sch. (with art. 3)

VALID FROM 16/06/2006

#### [F186A Charge on applicants for licences etc.

- (1) An applicant for a licence, or for the renewal of a licence, shall pay the OFT a charge towards the costs of carrying out its functions under this Act.
- (2) The amount of the charge payable by an applicant shall be determined in accordance with provision made by the OFT by general notice.
- (3) The provision that may be made by the OFT under subsection (2) includes—
  - (a) different provision in relation to persons of different descriptions;
  - (b) provision for no charge at all to be payable by persons of specified descriptions.
- (4) The approval of the Secretary of State and the Treasury is required for a general notice under subsection (2).]

#### Textual Amendments

**F18** S. 6A inserted (16.6.2006 for certain purposes and otherwise 6.4.2008) by Consumer Credit Act 2006 (c. 14), ss. {27(1)}, 71(2) (with Sch. 3 para. 18(1)); S.I. 2006/1508, art. 3(1), Sch. 1; S.I. 2007/3300, art. 3(2), Sch. 2

## 7 Penalty for false information.

A person who, in connection with any application or request to the [F19OFT] under this Act, or in response to any invitation or requirement of the [F19OFT] under this Act, knowingly or recklessly gives information to the [F19OFT] which, in a material particular, is false or misleading, commits an offence.

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#### **Textual Amendments**

- F19** Words in s. 7 substituted (1.4.2003) by Enterprise Act 2002 (c. 40), ss. 278, 279, **Sch. 25 para. 6(6)**; S.I. 2003/766, **art. 2**, Sch. (with art. 3)

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