



Consumer Credit Act 1974

1974 CHAPTER 39

PART IV

SEEKING BUSINESS

Advertising

43 Advertisements to which Part IV applies

- (1) This Part applies to any advertisement, published for the purposes of a business carried on by the advertiser, indicating that he is willing—
 - (a) to provide credit, or
 - (b) to enter into an agreement for the bailment or (in Scotland) the hiring of goods by him.
- (2) An advertisement does not fall within subsection (1) if the advertiser does not carry on—
 - (a) a consumer credit business or consumer hire business, or
 - (b) a business in the course of which he provides credit to individuals secured on land, or
 - (c) a business which comprises or relates to unregulated agreements where—
 - (i) the proper law of the agreement is the law of a country outside the United Kingdom, and
 - (ii) if the proper law of the agreement were the law of a part of the United Kingdom it would be a regulated agreement.
- (3) An advertisement does not fall within subsection (1)(a) if it indicates—
 - (a) that the credit must exceed £5,000, and that no security is required, or the security is to consist of property other than land, or
 - (b) that the credit is available only to a body corporate.
- (4) An advertisement does not fall within subsection (1)(b) if it indicates that the advertiser is not willing to enter into a consumer hire agreement.

- (5) The Secretary of State may by order provide that this Part shall not apply to other advertisements of a description specified in the order.

44 Form and content of advertisements

- (1) The Secretary of State shall make regulations as to the form and content of advertisements to which this Part applies, and the regulations shall contain such provisions as appear to him appropriate with a view to ensuring that, having regard to its subject-matter and the amount of detail included in it, an advertisement conveys a fair and reasonably comprehensive indication of the nature of the credit or hire facilities offered by the advertiser and of their true cost to persons using them.
- (2) Regulations under subsection (1) may in particular—
- (a) require specified information to be included in the prescribed manner in advertisements, and other specified material to be excluded ;
 - (b) contain requirements to ensure that specified information is clearly brought to the attention of persons to whom advertisements are directed, and that one part of an advertisement is not given insufficient or excessive prominence compared with another.

45 Prohibition of advertisement where goods etc. not sold for cash

If an advertisement to which this Part applies indicates that the advertiser is willing to provide credit under a restricted-use credit agreement relating to goods or services to be supplied by any person, but at the time when the advertisement is published that person is not holding himself out as prepared to sell the goods or provide the services (as the case may be) for cash, the advertiser commits an offence.

46 False or misleading advertisements

- (1) If an advertisement to which this Part applies conveys information which in a material respect is false or misleading the advertiser commits an offence.
- (2) Information stating or implying an intention on the advertiser's part which he has not got is false.

47 Advertising infringements

- (1) Where an advertiser commits an offence against regulations made under section 44 or against section 45 or 46 or would be taken to commit such an offence but for the defence provided by section 168, a like offence is committed by—
- (a) the publisher of the advertisement, and
 - (b) any person who, in the course of a business carried on by him, devised the advertisement, or a part of it relevant to the first-mentioned offence, and
 - (c) where the advertiser did not procure the publication of the advertisement, the person who did procure it.
- (2) In proceedings for an offence under subsection (1)(a) it is a defence for the person charged to prove that—
- (a) the advertisement was published in the course of a business carried on by him, and

Status: This is the original version (as it was originally enacted).

- (b) he received the advertisement in the course of that business, and did not know and had no reason to suspect that its publication would be an offence under this Part.