



Consumer Credit Act 1974

1974 CHAPTER 39

PART IX

JUDICIAL CONTROL

Enforcement of certain regulated agreements and securities

127 Enforcement orders in cases of infringement.

- (1) In the case of an application for an enforcement order under—
- [^{F1}(za) section 55(2) (disclosure of information), or]
 - [^{F2}(zb) section 61B(3) (duty to supply copy of overdraft agreement), or
 - (a) section 65(1) (improperly executed agreements), or
 - (b) section 105(7)(a) or (b) (improperly executed security instruments), or
 - (c) section 111(2) (failure to serve copy of notice on surety), or
 - (d) section 124(1) or (2) (taking of negotiable instrument in contravention of section 123),
- the court shall dismiss the application if, but ^{F3} . . . only if, it considers it just to do so having regard to—
- (i) prejudice caused to any person by the contravention in question, and the degree of culpability for it; and
 - (ii) the powers conferred on the court by subsection (2) and sections 135 and 136.
- (2) If it appears to the court just to do so, it may in an enforcement order reduce or discharge any sum payable by the debtor or hirer, or any surety, so as to compensate him for prejudice suffered as a result of the contravention in question.
- (3) ^{F4}
- (4) ^{F4}
- (5) ^{F4}

Changes to legislation: Consumer Credit Act 1974, Cross Heading: Enforcement of certain regulated agreements and securities is up to date with all changes known to be in force on or before 26 March 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Annotations:

Amendments (Textual)

- F1** S. 127(1)(za) inserted (1.2.2011) by [The Consumer Credit \(EU Directive\) Regulations 2010 \(S.I. 2010/1010\)](#), [regs. 18](#), 99(1) (with [regs. 100](#), 101)
- F2** S. 127(1)(zb) inserted (1.2.2011) by [The Consumer Credit \(EU Directive\) Regulations 2010 \(S.I. 2010/1010\)](#), [regs. 12](#), 99(1) (with [regs. 100](#), 101)
- F3** Words in s. 127(1) repealed (6.4.2007) by [Consumer Credit Act 2006 \(c. 14\)](#), ss. 70, 71(2), [Sch. 4](#) (with [Sch. 3 para. 11](#)); [S.I. 2007/123](#), [art. 3\(2\)](#), [Sch. 2](#)
- F4** S. 127(3)-(5) repealed (6.4.2007) by [Consumer Credit Act 2006 \(c. 14\)](#), ss. {15}, 70, 71(2), {Sch. 4} (with [Sch. 3 para. 11](#)); [S.I. 2007/123](#), [art. 3\(2\)](#), [Sch. 2](#)

Modifications etc. (not altering text)

- C1** [S. 127](#) applied (20.4.2015 for specified purposes, 21.12.2015 for specified purposes, 21.3.2016 in so far as not already in force) by [The Mortgage Credit Directive Order 2015 \(S.I. 2015/910\)](#), [arts. 1\(5\)](#), [29\(2\)](#) (with [Pt. 4](#))

128 Enforcement orders on death of debtor or hirer.

The court shall make an order under section 86(2) if, but only if, the creditor or owner proves that he has been unable to satisfy himself that the present and future obligations of the debtor or hirer under the agreement are likely to be discharged.

Changes to legislation:

Consumer Credit Act 1974, Cross Heading: Enforcement of certain regulated agreements and securities is up to date with all changes known to be in force on or before 26 March 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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

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

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