



Consumer Credit Act 1974

1974 CHAPTER 39

PART X

ANCILLARY CREDIT BUSINESSES

Credit reference agencies

157 Duty to disclose name etc. of agency.

[^{F1}(A1) Where a creditor under a prospective regulated agreement, other than an excluded agreement, decides not to proceed with it on the basis of information obtained by the creditor from a credit reference agency, the creditor must, when informing the debtor of the decision—

- (a) inform the debtor that this decision has been reached on the basis of information from a credit reference agency, and
- (b) provide the debtor with the particulars of the agency including its name, address and telephone number.]

(1) [^{F2}In any other case,] a creditor, owner or negotiator, within the prescribed period after receiving a request in writing to that effect from the debtor or hirer, shall give him notice of the name and address of any credit reference agency from which the creditor, owner or negotiator has, during the antecedent negotiations, applied for information about his financial standing.

(2) Subsection (1) does not apply to a request received more than 28 days after the termination of the antecedent negotiations, whether on the making of the regulated agreement or otherwise.

[^{F3}(2A) A creditor is not required to disclose information under this section if such disclosure—

- (a) contravenes the Data Protection Act 1998,
- (b) is prohibited by any EU obligation,
- (c) would create or be likely to create a serious risk that any person would be subject to violence or intimidation, or

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- (d) would, or would be likely to, prejudice—
- (i) the prevention or detection of crime,
 - (ii) the apprehension or prosecution of offenders, or
 - (iii) the administration of justice.]
- (3) If the creditor, owner or negotiator fails to comply with subsection [^{F4}(A1) or](1) he commits an offence.
- [^{F5}(4) For the purposes of subsection (A1) an agreement is an excluded agreement if it is—
- (a) a consumer hire agreement, or
 - (b) an agreement secured on land.]

Textual Amendments

- F1** S. 157(A1) inserted (1.2.2011) by [The Consumer Credit \(EU Directive\) Regulations 2010 \(S.I. 2010/1010\)](#), **regs. 40(2), 99(1)** (with regs. 100, 101)
- F2** Words in s. 157(1) inserted (1.2.2011) by [The Consumer Credit \(EU Directive\) Regulations 2010 \(S.I. 2010/1010\)](#), **regs. 40(3), 99(1)** (with regs. 100, 101)
- F3** S. 157(2A) inserted (1.2.2011) by [The Consumer Credit \(EU Directive\) Regulations 2010 \(S.I. 2010/1010\)](#), **regs. 40(4), 99(1)** (with regs. 100, 101)
- F4** Words in s. 157(3) inserted (1.2.2011) by [The Consumer Credit \(EU Directive\) Regulations 2010 \(S.I. 2010/1010\)](#), **regs. 40(5), 99(1)** (with regs. 100, 101)
- F5** S. 157(4) inserted (1.2.2011) by [The Consumer Credit \(EU Directive\) Regulations 2010 \(S.I. 2010/1010\)](#), **regs. 40(6), 99(1)** (with regs. 100, 101)

158 Duty of agency to disclose filed information.

- (1) A credit reference agency, within the prescribed period after receiving,—
- [^{F6}(a) a request in writing to that effect from a consumer,]
 - (b) such particulars as the agency may reasonably require to enable them to identify the file, and
 - (c) a fee of [^{F7}£2],
- shall give the consumer a copy of the file relating to [^{F8}it] kept by the agency.
- (2) When giving a copy of the file under subsection (1), the agency shall also give the consumer a statement in the prescribed form of [^{F9}the consumer’s] rights under section 159.
- (3) If the agency does not keep a file relating to the consumer it shall give [^{F9}the consumer]notice of that fact, but need not return any money paid.
- (4) If the agency contravenes any provision of this section it commits an offence.
- [^{F10}(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.]
- (5) In this Act “file ”, in relation to an individual, means all the information about him kept by a credit reference agency, regardless of how the information is stored, and

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“copy of the file”, as respects information not in plain English, means a transcript reduced into plain English.

Textual Amendments

- F6** S. 158(1)(a) substituted (6.4.2007) by [Consumer Credit Act 2006 \(c. 14\)](#), ss. {5(5)}, 71(2); S.I. 2007/123, [art. 3\(2\)](#), [Sch. 2](#) (as amended by S.I. 2007/387, [art. 2\(3\)\(a\)](#))
- F7** "£2" substituted (1.5.1998) in s. 158(1) by S.I. 1998/997, [art. 3](#), [Sch.](#)
- F8** Word in s. 158(1) substituted (1.3.2000) by [1998 c. 29](#), [s. 62\(1\)\(a\)\(ii\)](#) (with [Sch. 14 para. 20](#)); S.I. 2000/183, [art. 2](#)
- F9** Words in s. 158(2)(3) substituted (1.3.2000) by [1998 c. 29](#), [ss. 62\(1\)\(b\)\(c\)](#) (with [Sch. 14 para. 20](#)); S.I. 2000/183, [art. 2](#)
- F10** S. 158(4A) inserted (6.4.2007) by [Consumer Credit Act 2006 \(c. 14\)](#), ss. {5(6)}, 71(2); S.I. 2007/123, [art. 3\(2\)](#), [Sch. 2](#) (as amended by S.I. 2007/387, [art. 2\(3\)\(a\)](#))

159 Correction of wrong information.

- [^{F11}(1) Any individual (the “objector”) given—
- (a) information under section 7 of the Data Protection Act 1998 by a credit reference agency, or
 - (b) information under section 158,
- who considers that an entry in his file is incorrect, and that if it is not corrected he is likely to be prejudiced, may give notice to the agency requiring it either to remove the entry from the file or amend it.]
- (2) Within 28 days after receiving a notice under subsection (1), the agency shall by notice inform the [^{F12}objector] that it has—
- (a) removed the entry from the file, or
 - (b) amended the entry, or
 - (c) taken no action,
- and if the notice states that the agency has amended the entry it shall include a copy of the file so far as it comprises the amended entry.
- (3) Within 28 days after receiving a notice under subsection (2), or where no such notice was given, within 28 days after the expiry of the period mentioned in subsection (2), the [^{F12}objector] may, unless he has been informed by the agency that it has removed the entry from his file, serve a further notice on the agency requiring it to add to the file an accompanying notice of correction (not exceeding 200 words) drawn up by the [^{F12}objector], and include a copy of it when furnishing information included in or based on that entry.
- (4) Within 28 days after receiving a notice under subsection (3), the agency, unless it intends to apply to the [^{F12}the relevant authority] under subsection (5), shall by notice inform the [^{F12}objector] that it has received the notice under subsection (3) and intends to comply with it.
- (5) If—
- (a) the [^{F12}objector] has not received a notice under subsection (4) within the time required, or

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- (b) it appears to the agency that it would be improper for it to publish a notice of correction because it is incorrect, or unjustly defames any person, or is frivolous or scandalous, or is for any other reason unsuitable, the ^{F12}objector] or, as the case may be, the agency may, in the prescribed manner and on payment of ^{F13}the prescribed fee], apply to ^{F12}the relevant authority], who may make such order on the application as he thinks fit.
- (6) If a person to whom an order under this section is directed fails to comply with it within the period specified in the order he commits an offence.
- ^{F14}(7) The ^{F15}Information Commissioner] may vary or revoke any order made by him under this section.
- (8) In this section “the relevant authority ” means—
- where the objector is a partnership or other unincorporated body of persons, the ^{F16}FCA], and
 - in any other case, the ^{F15}Information Commissioner].]

Textual Amendments

- F11** S. 159(1) substituted (1.3.2000) by 1998 c. 29, s.62(2); S.I. 2000/183, art. 2 (with ss. 159, 160)
- F12** Words in s. 159(2)-(6) substituted (1.3.2000) by 1998 c. 29, s. 62(3)(a)(b); S.I. 2000/183, art. 2 (with art. 2(2))
- F13** Words in s. 159(5) substituted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013 (S.I. 2013/1881), arts. 1(2)(6), 20(45)
- F14** S. 159(7)(8) inserted (1.3.2000) by 1998 c. 29, s. 62(4); S.I. 2000/183, art. 2 (with art. 2(2))
- F15** Words in s. 159(7)(8)(b) substituted (30.1.2001) by 2000 c. 36, ss. 18(4), 87(2), Sch. 2 Pt. I para. 7 (with ss. 7(1)(7), 56, 78)
- F16** Word in s. 159(8)(a) substituted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by The Financial Services Act 2012 (Consumer Credit) Order 2013 (S.I. 2013/1882), arts. 1(1), 7(11)

160 Alternative procedure for business consumers.

- (1) The ^{F17}FCA] , on an application made by a credit reference agency, may direct that this section shall apply to the agency if ^{F18}it] is satisfied—
- that compliance with section 158 in the case of consumers who carry on a business would adversely affect the service provided to its customers by the agency, and
 - that, having regard to the methods employed by the agency and to any other relevant factors, it is probable that consumers carrying on a business would not be prejudiced by the making of the direction.
- (2) Where an agency to which this section applies receives a request, particulars and a fee under section 158(1) from a consumer who carries on a business, and section 158(3) does not apply, the agency, instead of complying with section 158, may elect to deal with the matter under the following subsections.
- (3) Instead of giving the consumer a copy of the file, the agency shall within the prescribed period give notice to the consumer that it is proceeding under this section, and by notice give the consumer such information included in or based on entries in the file

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as the [F17FCA] may direct, together with a statement in the prescribed form of the consumer’s rights under subsections (4) and (5).

(4) If within 28 days after receiving the information given [F19to the consumer] under subsection (3), or such longer period as the [F17FCA] may allow, the consumer—

- (a) gives notice to the [F17FCA] that [F20the consumer] is dissatisfied with the information, and
- (b) satisfies the [F17FCA] that [F20the consumer] has taken such steps in relation to the agency as may be reasonable with a view to removing the cause of [F20the consumer’s] dissatisfaction, and
- (c) pays the [F17FCA][F21the prescribed fee],

the [F17FCA] may direct the agency to give the [F17FCA] a copy of the file, and the [F17FCA] may disclose to the consumer such of the information on the file as the [F17FCA] thinks fit.

(5) Section 159 applies with any necessary modifications to information given to the consumer under this section as it applies to information given under section 158.

(6) If an agency making an election under subsection (2) fails to comply with subsection (3) or (4) it commits an offence.

[F22(7) In this section “consumer ” has the same meaning as in section 158.]

Textual Amendments

- F17** Word in s. 160 substituted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by [The Financial Services Act 2012 \(Consumer Credit\) Order 2013 \(S.I. 2013/1882\)](#), arts. 1(1), **7(12)**
- F18** Word in s. 160(1) substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), ss. 278, 279, **Sch. 25 para. 6(31)(b)**; S.I. 2003/766, **art. 2**, Sch. (with art. 3)
- F19** Words in s. 160(4) substituted (1.3.2000) by [1998 c. 29](#), **s. 62(5)(a)(i)**; S.I. 2000/183, **art. 2** (with art. 2(2))
- F20** Words in s. 160(4)(a)(b) substituted (1.3.2000) by [1998 c. 29](#), **s. 62(5)(a)(ii)**; S.I. 2000/183, **art. 2** (with art. 2(2))
- F21** Words in s. 160(4)(c) substituted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), arts. 1(2)(6), **20(46)**
- F22** S. 160(7) inserted (1.3.2000) by [1998 c. 29](#), **s. 62(5)(b)**; S.I. 2000/183, **art. 2** (with art. 2(2))

^{F23}160A Credit intermediaries

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Textual Amendments

- F23** S. 160A 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 \(S.I. 2013/1881\)](#), arts. 1(2)(6), **20(47)**

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