



# Consumer Credit Act 1974

## 1974 CHAPTER 39

### PART X

#### ANCILLARY CREDIT BUSINESSES

##### *Seeking business*

#### <sup>F1</sup>151 <sup>F1</sup> Advertisements.

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##### **Textual Amendments**

**F1** Ss. 146-152 and cross-heading 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(42)** (with arts. 48A, 48B (as inserted by [S.I. 2014/208](#), arts. 1(3)(4), 7(3))

#### <sup>F1</sup>152 <sup>F1</sup> Application of sections 52 to 54 to credit brokerage etc.

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##### **Textual Amendments**

**F1** Ss. 146-152 and cross-heading 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(42)** (with arts. 48A, 48B (as inserted by [S.I. 2014/208](#), arts. 1(3)(4), 7(3))

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**153** <sup>F1</sup> **Definition of canvassing off trade premises (agreements for ancillary credit services).**

- (1) An individual (the “canvasser”) canvasses off trade premises the services of a person carrying on an ancillary credit business if he solicits the entry of another individual (the “consumer”) into an agreement for the provision to the consumer of those services by making oral representations to the consumer, or any other individual, during a visit by the canvasser to any place (not excluded by subsection (2)) where the consumer, or that other individual as the case may be, is, being a visit—
- (a) carried out for the purpose of making such oral representations to individuals who are at that place, but
  - (b) not carried out in response to a request made on a previous occasion.
- (2) A place is excluded from subsection (1) if it is a place where (whether on a permanent or temporary basis)—
- (a) the ancillary credit business is carried on, or
  - (b) any business is carried on by the canvasser or the person whose employee or agent the canvasser is, or by the consumer.

**Textual Amendments**

- F1** Ss. 146-152 and cross-heading 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(42)** (with arts. 48A, 48B (as inserted by [S.I. 2014/208](#), arts. 1(3)(4), 7(3))

**154** <sup>F1</sup> **Prohibition of canvassing certain ancillary credit services off trade premises.**

It is an offence to canvass off trade premises the services of a person carrying on a business of credit-brokerage, debt-adjusting [<sup>F2</sup>, debt-counselling or the provision of credit information services].

**Textual Amendments**

- F1** Ss. 146-152 and cross-heading 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(42)** (with arts. 48A, 48B (as inserted by [S.I. 2014/208](#), arts. 1(3)(4), 7(3))
- F2** Words in s. 154 substituted (1.10.2008) by [Consumer Credit Act 2006 \(c. 14\)](#), ss. {25(4)(b)}, 71(2); [S.I. 2007/3300](#), **art. 3(3)**, Sch. 3

**155** **Right to recover brokerage fees.**

- (1) [<sup>F3</sup>Subject to subsection (2A),]the excess over [<sup>F4</sup>£5] of a fee or commission for his services charged by a credit-broker to an individual to whom this subsection applies shall cease to be payable or, as the case may be, shall be recoverable by the individual if the introduction does not result in his entering into a relevant agreement within the six months following the introduction (disregarding any agreement which is cancelled under section 69(1) or becomes subject to section 69(2)).

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- (2) Subsection (1) applies to an individual who sought an introduction for a purpose which would have been fulfilled by his entry into—
- (a) a regulated agreement, or
  - (b) in the case of an individual [<sup>F5</sup>desiring to obtain credit to finance the acquisition or provision of a dwelling occupied or to be occupied by that individual or a relative of that individual], an agreement for credit secured on land,
  - [<sup>F6</sup>(c) a credit agreement which is an exempt agreement for the purposes of Chapter 14A of Part 2 of the Regulated Activities Order, or
  - (d) an agreement which is not a regulated credit agreement or a regulated consumer hire agreement but which would be such an agreement if the law applicable to the agreement were the law of a part of the United Kingdom.]
- [<sup>F7</sup>(2A) But subsection (1) does not apply where—
- (a) the fee or commission relates to the effecting of an introduction of a kind mentioned in [<sup>F8</sup>article 36E of the Regulated Activities Order (activities in relation to certain agreements relating to land)]; and
  - (b) the person charging that fee or commission is an authorised person or an appointed representative, within the meaning of the Financial Services and Markets Act 2000.]
- (3) An agreement is a relevant agreement for the purposes of subsection (1) in relation to an individual if it is an agreement such as is referred to in subsection (2) in relation to that individual.
- (4) In the case of an individual desiring to obtain credit under a consumer credit agreement, any sum payable or paid by him to a credit-broker otherwise than as a fee or commission for the credit-broker's services shall for the purposes of subsection (1) be treated as such a fee or commission if it enters, or would enter, into the total charge for credit.

#### Textual Amendments

- F3** Words in s. 155(1) inserted (31.10.2004) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No. 1\) Order 2003 \(S.I. 2003/1475\)](#), arts. 1(3), **22(2)**
- F4** "£5" substituted (1.5.1998) in s. 155(1) by [S.I. 1998/997](#), art. 3, **Sch.**
- F5** Words in s. 155(2)(b) 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(43)(a)(i)**
- F6** S. 155(2)(c)(d) substituted for s. 155(2)(c) (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(43)(a)(ii)**
- F7** S. 155(2A) inserted (31.10.2004) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No. 1\) Order 2003 \(S.I. 2003/1475\)](#), arts. 1(3), **22(3)**
- F8** Words in s. 155(2A)(a) 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(43)(b)**

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**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](#)