



# Consumer Credit Act 1974

## 1974 CHAPTER 39

### PART V

#### ENTRY INTO CREDIT OR HIRE AGREEMENTS

##### *Exclusion of certain agreements from Part V*

#### **74 Exclusion of certain agreements from Part V.**

- (1) This Part (except section 56) does not apply to—
- a non-commercial agreement, or
  - a debtor-creditor agreement enabling the debtor to overdraw on a current account, or
  - a debtor-creditor agreement to finance the making of such payments arising on, or connected with, the death of a person as may be prescribed.
- (2) This Part (except sections 55 and 56) does not apply to a small debtor-creditor-supplier agreement for restricted-use credit.

[<sup>F1</sup>(2A) In the case of an agreement to which the Consumer Protection (Cancellation of Contracts Concluded away from Business Premises) Regulations 1987 apply the reference in subsection (2) to a small agreement shall be construed as if in section 17(1) (a) and (b) “£35 ” were substituted for “£50 ”.]

- (3) Subsection (1)(b) or (c) applies only where the Director so determines, and such a determination—
- may be made subject to such conditions as the Director thinks fit, and
  - shall be made only if the Director is of the opinion that it is not against the interests of debtors.

[<sup>F2</sup>(3A) Notwithstanding anything in subsection (3)(b) above, in relation to a debtor-creditor agreement under which the creditor is the Bank of England or a bank within the meaning of the Bankers' Books Evidence Act 1879, the Director shall make a

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*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: Consumer Credit Act 1974, Section 74 is up to date with all changes known to be in force on or before 14 April 2024. 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)*

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determination that subsection (1)(b) above applies unless he considers that it would be against the public interest to do so]

- (4) If any term of an agreement falling within subsection [F3(1)(c)] or (2) is expressed in writing, regulations under section 60(1) shall apply to that term (subject to section 60(3)) as if the agreement were a regulated agreement not falling within subsection [F3(1)(c)] or (2).

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**Textual Amendments**

- F1** S. 74(2A) added by S.I. 1987/2117, reg. 9  
**F2** S. 74(3A) inserted by Banking Act 1979 (c. 37, SIF 10), s. 38(1)  
**F3** “(1)(c)” substituted by Banking Act 1979 (c. 37, SIF 10), s. 38(1)

**Status:**

Point in time view as at 01/02/1991. This version of this provision has been superseded.

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