



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.

- [^{F1}(1) Except as provided in subsections (1A) to (2), this Part does not apply to—
- (a) a non-commercial agreement,
 - (b) a debtor-creditor agreement enabling the debtor to overdraw on a current account,
 - (c) 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, or
 - (d) a small debtor-creditor-supplier agreement for restricted-use credit.

(1A) Section 56 (antecedent negotiations) applies to a non-commercial agreement.

(1B) Where an agreement that falls within subsection (1)(b) is an authorised business overdraft agreement the following provisions apply—

- ^{F2}(a)
- (b) section 56 (antecedent negotiations);
- (c) section 60 (regulations on form and content of agreements);
- (d) section 61B (duty to supply copy of overdraft agreement).

(1C) Where an agreement that falls within subsection (1)(b) is an authorised non-business overdraft agreement the following provisions apply—

- (a) section 55 (regulations on disclosure of information);
- ^{F3}(b)
- (c) section 55C (copy of draft consumer credit agreement);
- (d) section 56 (antecedent negotiations);

Changes to legislation: Consumer Credit Act 1974, Section 74 is up to date with all changes known to be in force on or before 25 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) View outstanding changes

- (e) section 60 (regulations on form and content of agreements);
- (f) section 61B (duty to supply copy of overdraft agreement).

(1D) Where an agreement that falls within subsection (1)(b) would be an authorised non-business overdraft agreement but for the fact that the credit is not repayable on demand or within three months the following provisions apply—

- (a) section 55 (regulations on disclosure of information);
- ^{F4}(b)
- ^{F4}(c)
- (d) section 55C (copy of draft consumer credit agreement);
- (e) section 56 (antecedent negotiations);
- (f) section 60 (regulations on form and content of agreements);
- (g) section 61 (signing of agreement);
- (h) section 61A (duty to supply copy of executed agreement);
- (i) section 66A (withdrawal from consumer credit agreement).

(1E) In the case of an agreement that falls within subsection (1)(b) but does not fall within subsection (1B), (1C) or (1D), section 56 (antecedent negotiations) applies.

(1F) The following provisions apply to 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—

- (a) section 55 (regulations on disclosure of information);
- ^{F5}(b)
- ^{F5}(c)
- (d) section 55C (copy of draft consumer credit agreement);
- (e) section 56 (antecedent negotiations);
- (f) section 60 (regulations on form and content of agreements);
- (g) section 61 (signing of agreement);
- (h) section 61A (duty to supply copy of executed agreement);
- (i) section 66A (withdrawal from consumer credit agreement).

(2) The following provisions apply to a small debtor-creditor-supplier agreement for restricted-use credit—

- (a) section 55 (regulations on disclosure of information);
- (b) section 56 (antecedent negotiations);
- (c) section 66A (withdrawal from consumer credit agreement).]

^{F6}(2A) In the case of an agreement to which Part 2 or 3 of the Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 applies, the reference in subsection (2) to a small agreement is to be read as if in section 17(1)(a) and (b) “£42” were substituted for “£50”.]

(3) ^{F7}Subsection (1)(c) applies] only where the ^{F8}FCA] so determines, and such a determination—

- (a) may be made subject to such conditions as the ^{F8}FCA] thinks fit, and
- (b) shall be made only if the ^{F8}FCA] is of the opinion that it is not against the interests of debtors.

(3A) ^{F9}.....

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- (4) If any term of an agreement falling within subsection [F¹⁰(1)(d)] 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 [F¹⁰(1)(d)].

Textual Amendments

- F1** S. 74(1)-(2) substituted for s. 74(1)(2) (1.2.2011) by [The Consumer Credit \(EU Directive\) Regulations 2010 \(S.I. 2010/1010\)](#), [regs. 17\(2\)](#), 99(1) (with [regs. 100](#), 101)
- F2** S. 74(1B)(a) 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\(26\)\(a\)](#)
- F3** S. 74(1C)(b) 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\(26\)\(b\)](#)
- F4** S. 74(1D)(b)(c) 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\(26\)\(c\)](#)
- F5** S. 74(1F)(b)(c) 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\(26\)\(d\)](#)
- F6** S. 74(2A) substituted (with application in accordance with reg. 1(2) of the amending S.I.) by [The Consumer Contracts \(Information, Cancellation and Additional Charges\) Regulations 2013 \(S.I. 2013/3134\)](#), reg. 1(1), [Sch. 4 para. 2](#) (with reg. 6)
- F7** Words in s. 74(3) substituted (1.2.2011) by [The Consumer Credit \(EU Directive\) Regulations 2010 \(S.I. 2010/1010\)](#), [regs. 17\(3\)](#), 99(1) (with [regs. 100](#), 101)
- F8** Word in s. 74(3) 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\(5\)](#)
- F9** S. 74(3A) omitted (1.2.2011) by virtue of [The Consumer Credit \(EU Directive\) Regulations 2010 \(S.I. 2010/1010\)](#), [regs. 17\(4\)](#), 99(1) (with [regs. 100](#), 101)
- F10** Words in s. 74(4) substituted (1.2.2011) by [The Consumer Credit \(EU Directive\) Regulations 2010 \(S.I. 2010/1010\)](#), [regs. 17\(5\)](#), 99(1) (with [regs. 100](#), 101)

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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](#)