

Status: This version of this provision is prospective.

Changes to legislation: Courts and Legal Services Act 1990, Section 106 is up to date with all changes known to be in force on or before 22 August 2023. 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



Courts and Legal Services Act 1990

1990 CHAPTER 41

PART VI

MISCELLANEOUS AND SUPPLEMENTAL

Tying-in

PROSPECTIVE

106 Tying-in: offences.

- (1) If any person contravenes section 104(2) or (4) he shall be guilty of an offence.
- (2) Subsection (3) applies where—
 - (a) a person (“the lender”) has, in relation to the proposed provision to any person (“the borrower”) of a residential property loan together with one or more controlled services, complied with the conditions mentioned in section 104(3); and
 - (b) the borrower has declined to take from the lender one or more of the controlled services.
- (3) The lender shall be guilty of an offence if he refuses to provide the borrower with the residential property loan or refuses to provide it to him—
 - (a) on the terms applicable if it were provided together with the controlled services; or
 - (b) where they differ, on terms which are compatible with the statement required by section 104(3)(c)(ii),unless he proves that his reason for so refusing was unconnected with the borrower’s having declined as mentioned in subsection (2)(b).
- (4) Any person guilty of an offence under this section shall be liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum; and

Status: This version of this provision is prospective.

Changes to legislation: Courts and Legal Services Act 1990, Section 106 is up to date with all changes known to be in force on or before 22 August 2023. 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

- (b) on conviction on indictment, to a fine.
- (5) Subsection (6) applies where an offence under this section is committed by a body corporate.
- (6) If the offence is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of—
- (a) any director, secretary or other similar officer of the body corporate; or
 - (b) any person who was purporting to act in any such capacity,
- he (as well as the body corporate) shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
- (7) The fact that a person has committed an offence under this section in connection with any agreement shall not make the agreement void, or unenforceable (whether as a whole or in part) or otherwise affect its validity or give rise to any cause of action for breach of statutory duty.

Status:

This version of this provision is prospective.

Changes to legislation:

Courts and Legal Services Act 1990, Section 106 is up to date with all changes known to be in force on or before 22 August 2023. 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.

[View outstanding changes](#)

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. 58A(2)(fe) inserted by [2021 c. 17 s. 53](#)