
STATUTORY INSTRUMENTS

1983 No. 1567

CONSUMER CREDIT

The Consumer Credit (Loss of Pawn-Receipt) Regulations 1983

<i>Made</i>	- - - -	24th October 1983
<i>Laid before Parliament</i>		3rd November 1983
<i>Coming into Operation</i>		19th May 1985

The Secretary of State, in exercise of the powers conferred on him by sections 118(1) and 189(1) of the Consumer Credit Act 1974(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Consumer Credit (Loss of Pawn-Receipt) Regulations 1983 and shall come into operation on 19th May 1985.

(2) In these Regulations, “the Act” means the Consumer Credit Act 1974.

Form and contents of statutory declaration or statement in writing on loss etc. of pawn-receipt

2.—(1) Any statutory declaration tendered to a creditor by virtue of section 118(1)(a) of the Act by a person who is not in possession of the pawn-receipt but who claims to be the owner of the pawn, or to be otherwise entitled or authorised to redeem it, shall be in the Form set out in Schedule 1 to these Regulations, and shall contain the information specified in that Form.

(2) Any statement in writing tendered to a creditor by virtue of section 118(1)(b) of the Act by a person who is not in possession of the pawn-receipt but who claims to be the owner of the pawn, or to be otherwise entitled or authorised to redeem it, shall be in the Form set out in Schedule 2 to these Regulations, and shall contain the information specified in that Form.

24th October 1983.

Alexander Fletcher,
Parliamentary Under-Secretary of State,
Department of Trade and Industry.

(a) 1974 c. 39.

SCHEDULE 1

Regulation 2(1)

STATUTORY DECLARATION FOR USE UNDER THE CONSUMER CREDIT ACT 1974 WHEN A PAWN-RECEIPT GIVEN BY A PERSON WHO HAS TAKEN ANY ARTICLE IN PAWN UNDER A REGULATED CONSUMER CREDIT AGREEMENT IS NOT IN THE POSSESSION OF THE CLAIMANT

I, (full name)of (address)DO SOLEMNLY AND SINCERELY DECLARE that:

(1) On or about the (exact or approximate date) at the premises of (name and address of the creditor) *I/ (name of the person who gave the article in pawn if not yourself) pawned the following article(s) (description of article(s)) as security for the credit of (amount of loan)under a regulated consumer credit agreement and received a pawn-receipt for *it/them.

(2) The pawn-receipt has since been (describe why and in what circumstances the pawn-receipt is not in your possession)

(3) The pawn-receipt has not been sold or disposed of in any other way by myself or to the best of my knowledge by any other person.

*(4A) I am the owner of the pawned article(s).

or

*(4B) The owner of the pawned article(s) is (name) and I am authorised by *him/her or entitled to redeem *it/them because (give details)

And I make this SOLEMN DECLARATION conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act 1835.

WARNING It is a criminal offence knowingly and wilfully to make a statement false in a material particular in a statutory declaration.

DECLARED AT

this day of

Signature of claimant

Before me

*Commissioner for Oaths/Justice of the Peace/Notary Public/Solicitor

*Delete as applicable

Name of Commissioner for Oaths etc. or business address (in block letters) or official stamp (if applicable)

Regulation 2(2)

SCHEDULE 2

STATEMENT IN WRITING FOR USE UNDER THE CONSUMER CREDIT ACT 1974 WHEN A PAWN-RECEIPT GIVEN BY A PERSON WHO HAS TAKEN ANY ARTICLE IN PAWN UNDER A REGULATED CONSUMER CREDIT AGREEMENT IS NOT IN THE POSSESSION OF THE CLAIMANT

I, *(full name)*of *(address)*

 in pursuance of section 118(1)(b) of the Consumer Credit Act 1974, state that:

- (1) On or about the *(exact or approximate date)*
 at the premises of *(name and address of the creditor)*

 I/(name of the person who gave the article in pawn if not yourself)*
 pawned the following article(s) *(description of article(s))*

 as security for the credit of *(amount of loan)*under a regulated
 consumer credit agreement and received a pawn-receipt for *it/them.
- (2) The pawn-receipt has since been *(describe why and in what circumstances the
 pawn-receipt is not in your possession)*

- (3) The pawn-receipt has not been sold or disposed of in any other way by
 myself or to the best of my knowledge by any other person.
- *4A) I am the owner of the pawned article(s).
- or
- *4B) The owner of the pawned article(s) is *(name)*
 and I am authorised by *him/her or entitled to redeem *it/them because
(give details)

WARNING *It is a criminal offence knowingly and wilfully to make a statement false in a material particular in a statement made for use under section 118(1)(b) of the Consumer Credit Act 1974.*

Signature of claimant Date

The creditor should sign here as showing his agreement to this form being used in place of a statutory declaration:

Signature of creditor Date

**Delete as applicable*

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations prescribe the form and contents of the statutory declaration or statement in writing which may be tendered, in the case of the loss etc. of the pawn-receipt, under section 118(1) of the Consumer Credit Act 1974 on the redemption of any pawned article taken under a consumer credit agreement regulated by the Act. It may be tendered by a person who has lost or is otherwise not in possession of the pawn-receipt, eg because it has been destroyed or stolen, but who claims to be the owner of the article or to be otherwise entitled or authorised to redeem it.

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