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STATUTORY INSTRUMENTS

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**1989 No. 1128 (C.36)**

**CONSUMER CREDIT**

**The Consumer Credit Act 1974  
(Commencement No. 10) Order 1989**

*Made* - - - - *5th July 1989*

The Secretary of State, in exercise of the powers conferred on him by sections 182(2) and (4) and 192(2) of the Consumer Credit Act 1974<sup>(1)</sup> and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Consumer Credit Act 1974 (Commencement No. 10) Order 1989.

(2) In this Order, “the Act” means the Consumer Credit Act 1974.

**Appointment of day**

2. For the purposes of paragraph 5 of Schedule 3 to the Act, the appointed day shall be 31st July 1989 in the case of any consumer credit business which is carried on by an individual and in the course of which only the following regulated consumer credit agreements (excluding agreements made before that date) are made, namely—

- (a) agreements for fixed-sum credit not exceeding £30, and
- (b) agreements for running-account credit where the credit limit does not exceed that amount.

**Amendment of Schedule 3 to the Act**

3. The Schedule to this Order shall have effect for the purpose of further amending paragraph 5 of Schedule 3 to the Act (which makes certain transitional provisions in relation to the licensing of consumer credit and consumer hire businesses) as amended by article 3(1) of the Consumer Credit Act 1974 (Commencement No. 2) Order 1977<sup>(2)</sup>, and accordingly the said article 3(1), so far as it relates to the said paragraph 5, shall cease to have effect.

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(1) 1974 c. 39.  
(2) S.I. 1977/325.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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5th July 1989

*Francis Maude*  
Parliamentary Under-Secretary of State,  
Department of Trade and Industry

SCHEDULE

Article 3

AMENDMENT OF SCHEDULE 3 TO THE ACT

There shall be substituted for paragraph 5 the following:

**“Businesses needing a licence**

5.—(1) Section 21 does not apply to the carrying on of any description of consumer credit business or consumer hire business—

- (a) before 31st July 1989 in the case of a consumer credit business which is carried on by an individual and in the course of which only the following regulated consumer credit agreements (excluding agreements made before that date) are made, namely—
  - (i) agreements for fixed-sum credit not exceeding £30, and
  - (ii) agreements for running-account credit where the credit limit does not exceed that amount;
- (b) before 1st October 1977 in the case of any other description of consumer credit business; and
- (c) before 1st October 1977 in the case of any consumer hire business.

(2) Where the person carrying on a consumer credit business or a consumer hire business applies for a licence—

- (a) before 31st July 1989 in the case of a consumer credit business to which subparagraph (1)(a) above applies, or
- (b) before 1st October 1977 in the case of any other description of consumer credit business or in the case of any consumer hire business,

he shall be deemed to have been granted on 31st July 1989 or 1st October 1977, as the case may be, a licence covering that business and continuing in force until the licence applied for is granted or, if the application is refused, until the end of the appeal period.”

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**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order brings into force on 31st July 1989 certain provisions of the Consumer Credit Act 1974 relating to licensing requirements for consumer credit businesses carried on by individuals and which only do business resulting in the making of certain regulated agreements for credit not exceeding £30. These businesses were excluded from the commencement provisions of the Consumer Credit Act 1974 (Commencement No. 2) Order 1977.

Article 3 introduces consequential and transitional amendments to the 1974 Act.

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## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The provisions of the Act came into operation on its passing, that is on 31st July 1974, except as otherwise mentioned in Schedule 3 to the Act. The following provisions of the Act have been brought into force by the Commencement Orders listed below made before the date of this Order for the purposes of Schedule 3 and in certain cases the Orders have amended provisions of Schedule 3. Certain of the amendments to other Acts contained in Schedule 4 and certain of the repeals contained in Schedule 5 have also been brought into force. A list of these latter provisions is available to enquirers at the Department of Trade and Industry, Consumer Affairs Division, at 10–18 Victoria Street, London SW1H 0NN.

Paragraph of Schedule 3 to the Act	Provision	S.I. No.
1	Certain consumer credit and consumer hire agreements made on or after 1st April 1977 to be regulated agreements	<a href="#">1977/325</a>
3	Section 19(3) (operative 19th May 1985)	<a href="#">1983/1551</a>
5	Section 21 to apply to consumer credit businesses, subject to certain exceptions, and to consumer hire businesses, carried on on or after 1st October 1977	<a href="#">1977/325</a>
6	Sections 35 and 36 (operative 2nd February 1976)	<a href="#">1975/2123</a>
7	Section 40 to apply to regulated agreements made in the course of any business on or after the day specified or referred to in paragraph 5(1) of Schedule 3 in relation to the description of business in question	<a href="#">1977/325</a> showing provision as amended
8	Part IV to apply to advertisements published on or after 6th October 1980	<a href="#">1980/50</a>
9	Section 49 (operative 1st October 1977)	<a href="#">1977/802</a>
10	Section 50 (operative 1st July 1977)	<a href="#">1977/802</a>
11	Section 51(1) to apply to the giving of a credit-token on or after 1st July 1977	<a href="#">1977/802</a>

Paragraph of Schedule 3 to the Act	Provision	S.I. No.
12	Section 56 to apply to regulated agreements where negotiations begin after 16th May 1977	1977/325
13	Sections 57 to 59, 61 to 65 and 67 to 73 (operative 19th May 1985)	1983/1551
14	Section 66 (operative 19th May 1985)	1983/1551
15	Section 75 (operative 1st July 1977 but only in relation to agreements made on or after that date)	1977/802
16	Section 76 (operative 19th May 1985 and to apply to agreements made before that date which would have been regulated agreements if made on that date)	1983/1551
17	Sections 77 to 80 (operative 19th May 1985, and sections 77 to 79 to apply to agreements made before that date which would have been regulated agreements if made on that date)	1983/1551
18	Section 81 (operative 19th May 1985)	1983/1551
19	Section 82 (operative 1st April 1977)	1977/325
20	Sections 83 and 84 (operative 19th May 1985 and to apply to agreements made before that date which would have been regulated agreements if made on that date but not to losses arising before that date)	1983/1551
21	Section 85 (operative 19th May 1985 and to apply to agreements made before that date which would have been regulated agreements if made on that date)	1983/1551
22	Section 86 (operative 19th May 1985 and to apply to	1983/1551

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Paragraph of Schedule 3 to the Act	Provision	S.I. No.
	agreements made before that date which would have been regulated agreements if made on that date)	
23	Sections 87 to 89 (operative 19th May 1985)	1983/1551
24	Sections 90 and 91 (operative 19th May 1985)	1983/1551
25	Section 92 (operative 19th May 1985)	1983/1551
26	Section 93 (operative 19th May 1985)	1983/1551
27	Sections 94 to 97 (operative 19th May 1985)	1983/1551
28	Section 98 (operative 19th May 1985)	1983/1551
29	Section 99 (operative 19th May 1985)	1983/1551
30	Section 100 (operative 19th May 1985)	1983/1551
31	Section 101 (operative 19th May 1985)	1983/1551
32	Section 102 (operative 19th May 1985)	1983/1551
33	Section 103 (operative 19th May 1985)	1983/1551
34	Section 104 (operative 19th May 1985)	1983/1551
35	Part VII (except sections 90, 91, 93, 99 to 102 and 104) to apply to agreements made before that date which would have been regulated agreements if made on that date (operative 19th May 1985)	1983/1551
36	Section 105 (operative 19th May 1985)	1983/1551
37	Sections 107 to 110 (operative 19th May 1985 and to apply to agreements made before that date which would have been	1983/1551

Paragraph of Schedule 3 to the Act	Provision	S.I. No.
	regulated agreements if made on that date)	
38	Section 111 (operative 19th May 1985 and to apply to agreements made before that date which would have been regulated agreements if made on that date)	<a href="#">1983/1551</a>
39	Sections 114 to 122 (operative 19th May 1985 but only in respect of articles taken in pawn under a regulated consumer credit agreement)	<a href="#">1983/1551</a>
40	Sections 123 to 125 (operative 19th May 1985)	<a href="#">1984/436</a>
41	Section 126 (operative 19th May 1985)	<a href="#">1983/1551</a>
42	Sections 137 to 140 (operative 16th May 1977 in relation to agreements and transactions whenever made)	<a href="#">1977/325</a>
43	Part IX (operative 19th May 1985, subject to paragraph 42 of Schedule 3)	<a href="#">1983/1551</a>
44	Section 21(1) to apply (by virtue of section 147(1)) to ancillary credit businesses (except credit brokerage businesses) carried on on or after 3rd August 1976	<a href="#">1975/2123</a>
	Section 21(1) to apply (by virtue of section 147(1)), subject to certain exceptions, to credit brokerage businesses carried on on or after 1st July 1978	<a href="#">1977/2163</a>
45	Section 148(1) to apply to agreements made on or after 3rd August 1976 in the course of ancillary credit businesses except credit brokerage businesses	<a href="#">1975/2123</a>
	Section 148(1) to apply to agreements made on or after 1st July 1978 in the course of	<a href="#">1977/2163</a>

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Paragraph of Schedule 3 to the Act	Provision	S.I. No.
46	credit brokerage businesses, subject to certain exceptions Section 149 to apply to regulated agreements made on introductions effected on or after 1st July 1978 in the course of credit brokerage businesses	<a href="#">1977/2163</a>
47	Section 151(1) and (2) to apply to advertisements published on or after 6th October 1980	<a href="#">1980/50</a>
48	Sections 157 and 158 to apply to requests for information received on or after 16th May 1977	<a href="#">1977/325</a>