

*Status: This version of this provision is prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Consumer Credit (EU Directive) Regulations 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## STATUTORY INSTRUMENTS

# 2010 No. 1010

## The Consumer Credit (EU Directive) Regulations 2010

PROSPECTIVE

### PART 4

#### Commencement, Transitional and Saving Provision

##### **Early application of regulations to certain agreements before 1st February 2011**

**101.**—(1) Where one of the conditions A to E is satisfied in relation to a prospective regulated consumer credit agreement on a date on or after 30th April 2010 and before 1st February 2011, Parts 1 to 3 of these Regulations apply to that agreement (and to any subsequent regulated consumer credit agreement entered into before 1st February 2011), from the date and time that the condition is satisfied.

(2) Condition A is that information relating to the agreement is disclosed by a creditor or a credit intermediary before the agreement is made in compliance or in purported compliance with the Information Regulations 2010.

(3) Condition B is that—

- (a) the agreement would, if made, be an agreement entered into at the debtor's request using a means of distance communication (other than voice telephony) which does not enable the provision before the agreement is made of the information referred to in regulation 3(4) of the Information Regulations 2010, and
- (b) the debtor is informed by the creditor before the agreement is made that the information referred to in regulation 3(4) of the Information Regulations 2010 will be disclosed immediately after the agreement is made in accordance with regulation 5 of those Regulations.

(4) Condition C is that—

- (a) the agreement would, if made, be a distance agreement entered into by the debtor wholly or predominantly for the purposes of a business carried on, or intended to be carried on, by him, and
- (b) the debtor is informed by the creditor before the agreement is made that information referred to in regulation 3(4) of the Information Regulations 2010 will be disclosed immediately after the agreement is made in accordance with regulation 6 of those Regulations.

(5) Condition D is that —

- (a) the agreement would, if made, be an authorised non-business overdraft agreement (other than a qualifying overdraft agreement referred to in paragraph (7)(b)),
- (b) the agreement would, if made, be one made at the debtor's request using a means of distance communication which does not enable the provision before the agreement is

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made of the information referred to in regulation 10(2) of the Information Regulations 2010, and

- (c) the creditor has informed the debtor before the agreement is made that a document containing the terms of the agreement will be provided immediately after the agreement is made as though the amendment made by regulation 9 of these Regulations (insertion of section 61B in the Consumer Credit Act 1974) applied.
- (6) Condition E is that the agreement would, if made, be a qualifying overdraft agreement and—
  - (a) the creditor has provided a document containing the terms of the agreement before the agreement is made as though the amendment made by regulation 9 (insertion of section 61B in the Consumer Credit Act 1974) applied, or
  - (b) the creditor has informed the debtor before the agreement is made that a document containing the terms of the agreement will be provided at, or immediately after, the time the agreement is made as though the amendment made by regulation 9 applied.
- (7) In paragraph (6) “qualifying overdraft agreement” means—
  - (a) an authorised business overdraft agreement, or
  - (b) an authorised non-business overdraft agreement under which the creditor provides the debtor with credit exceeding £60,260 or which is secured on land.

**Commencement Information**

**II** Reg. 101 in force at 30.4.2010, see [reg. 99\(2\)\(e\)](#)

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**Changes and effects yet to be applied to :**

- Regulations power to modify conferred by [2023 c. 29 s. 3 Sch. 1 Pt. 2](#)
- Regulations revoked by [2023 c. 29 Sch. 1 Pt. 2](#)
- reg. 101 coming into force by [S.I. 2010/1010 reg. 99\(2\)\(e\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 3(4) words substituted by [S.I. 2010/1969 reg. 6](#)
- reg. 25(8) inserted by [S.I. 2010/1969 reg. 11](#)
- reg. 54(za)(zb) inserted by [S.I. 2010/1969 reg. 14](#)
- reg. 55A inserted by [S.I. 2010/1969 reg. 16](#)
- reg. 56(za)(zb) inserted by [S.I. 2010/1969 reg. 17](#)
- reg. 67A inserted by [S.I. 2010/1969 reg. 21](#)
- reg. 76(1A) substituted by [S.I. 2010/1969 reg. 25](#)
- reg. 88A inserted by [S.I. 2011/11 reg. 6](#)
- reg. 91A inserted by [S.I. 2010/1969 reg. 27](#)
- reg. 100(2)(za) inserted by [S.I. 2010/1969 reg. 29\(b\)](#)
- reg. 100(3)(za) inserted by [S.I. 2010/1969 reg. 29\(c\)](#)
- reg. 101A inserted by [S.I. 2010/1969 reg. 30](#)