



Consumer Credit Act 2006

2006 CHAPTER 14

Appeals

55 The Consumer Credit Appeals Tribunal

(1) After section 40 of the 1974 Act insert—

“Appeals

40A The Consumer Credit Appeals Tribunal

- (1) There shall be a tribunal known as the Consumer Credit Appeals Tribunal (‘the Tribunal’).
 - (2) The Tribunal shall have the functions conferred on it by or under this Part.
 - (3) The Lord Chancellor may by rules make such provision as he thinks fit for regulating the conduct and disposal of appeals before the Tribunal.
 - (4) Schedule A1 (which makes provision about the Tribunal and proceedings before it) shall have effect.
 - (5) But that Schedule does not limit the Lord Chancellor’s powers under subsection (3).”
- (2) Before Schedule 1 to that Act insert the Schedule A1 set out in Schedule 1 to this Act.

56 Appeals to the Consumer Credit Appeals Tribunal

- (1) In subsection (1) of section 41 of the 1974 Act (appeals) for the words from “prescribed period” onwards substitute “specified period, appeal to the Tribunal”.
- (2) After that subsection insert—

“(1A) The means for making an appeal is by sending the Tribunal a notice of appeal.

(1B) The notice of appeal shall—

- (a) be in the specified form;
- (b) set out the grounds of appeal in the specified manner; and
- (c) include the specified information and documents.

(1C) An appeal to the Tribunal is to be by way of a rehearing of the determination appealed against.

(1D) In this section ‘specified’ means specified by rules under section 40A(3).”

(3) Subsections (2) to (5) of that section shall cease to have effect.

57 Appeals from the Consumer Credit Appeals Tribunal

In Part 3 of the 1974 Act after section 41 insert—

“41A Appeals from the Consumer Credit Appeals Tribunal

(1) A party to an appeal to the Tribunal may with leave appeal—

- (a) in England and Wales and Northern Ireland, to the Court of Appeal, or
- (b) in Scotland, to the Court of Session,

on a point of law arising from a decision of the Tribunal.

(2) For the purposes of subsection (1) leave to appeal may be given by—

- (a) the Tribunal; or
- (b) the Court of Appeal or the Court of Session.

(3) An application for leave to appeal may be made to the Court of Appeal or the Court of Session only if the Tribunal has refused such leave.

(4) If on an appeal under this section the court considers that the decision of the Tribunal was wrong in law, it may do one or more of the following—

- (a) quash or vary that decision;
- (b) substitute for that decision a decision of its own;
- (c) remit the matter to the Tribunal for rehearing and determination in accordance with the directions (if any) given to it by the court.

(5) An appeal may be brought from a decision of the Court of Appeal under this section only if leave to do so is given by the Court of Appeal or the House of Lords.

(6) Rules under section 40A(3) may make provision for regulating or prescribing any matters incidental to or consequential on an appeal under this section.

(7) In this section ‘party’ means, in relation to an appeal to the Tribunal, the appellant or the OFT.”

58 Consequential amendments relating to appeals

(1) In section 2(7) of the 1974 Act (restriction on power to give directions to OFT) for “Secretary of State” substitute “the Tribunal”.

(2) In section 182 of that Act (regulations and orders) after subsection (1) insert—

“(1A) The power of the Lord Chancellor to make rules under section 40A(3) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”

(3) In subsection (2) of that section—

- (a) after “orders” wherever occurring insert “or rules”;
- (b) after “by the Secretary of State” insert “or by the Lord Chancellor”;
- (c) in paragraph (c) for “Secretary of State” substitute “person making them”.

(4) In section 189(1) of that Act (definitions)—

- (a) in the definition of “appeal period” for “Secretary of State” substitute “Tribunal”;
- (b) after the definition of “total price” insert—

“‘the Tribunal’ means the Consumer Credit Appeals Tribunal;”.

(5) In Schedule 1 to the Tribunals and Inquiries Act 1992 (c. 53) (tribunals under supervision of Council on Tribunals) after paragraph 9A insert—

“Consumer credit

9B. The Consumer Credit Appeals Tribunal established by section 40A of the Consumer Credit Act 1974.”
