Consumer Credit Act 1974

CHAPTER 39

CONSUMER CREDIT ACT 1974

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1 In this Schedule— “the Deputy President” means the Deputy President...
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The President and the Deputy President

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3 (1) The Lord Chancellor shall appoint a panel of persons...

Terms of office etc.

4 (1) Each member of the panel of chairmen or the...

Remuneration and allowances

5 The Lord Chancellor may pay to a person in respect...

Staff and costs

6 (1) The Lord Chancellor may appoint such staff for the...
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7 (1) On an appeal to the Tribunal, the persons to...

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Sittings

8 The Tribunal shall sit at such times and in such...

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9 (1) Subject to sub-paragraph (2), the Tribunal may, on an...

Rules on procedure

10 Rules may include, amongst other things, provision—

Council on Tribunals

11 The Consumer Credit Appeals Tribunal

Disposal of appeals

12 (1) The Tribunal shall decide an appeal by reference to...

Decisions of the Tribunal

13 (1) A decision of the Tribunal may be taken by...

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14 (1) Where the Tribunal disposes of an appeal and—
15 Where— (a) the Tribunal disposes of an appeal or an...
16 An order of the Tribunal under paragraph 14 or 15...

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SCHEDULE 2 — Examples of Use of New Terminology

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Analysis.The correspondence constitutes antecedent negotiations falling within section 56(1)(a), the...
Example 2
Facts.Representations are made about goods in a poster displayed by...
Analysis.The representations in the poster constitute antecedent negotiations falling within...
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Facts.Discussions take place between a shopkeeper and a customer about...
Analysis.The discussions constitute antecedent negotiations falling within section 56(1)(c), the...
Example 4
Facts. Discussions take place and correspondence passes between a secondhand car...
Analysis. The discussions and correspondence constitute antecedent negotiations in relation both...
Example 5
Facts. E agrees to sell to F (an individual) an item...
Analysis. This is a credit-sale agreement (see definition of “credit-sale agreement...
Example 6
Facts. The G Bank grants H (an individual) an unlimited overdraft,...
Analysis. Although the overdraft purports to be unlimited, the stipulation for...
Example 7
Facts. J is an individual who owns a small shop which...
Analysis. Although the agreement appears to provide unlimited credit, it is...
Example 8
Facts. U, a moneylender, lends £500 to V (an individual) knowing...
Analysis. Although this appears to fall under section 11(1)(b), it is...
Example 9
Facts. A agrees to lend B (an individual) £4,500 in nine...
Analysis. This is a cash loan and is a form of...
Example 10
Facts. C (in England) agrees to bail goods to D (an...
Analysis. This is a hire-purchase agreement with a deposit of £1,000...
Example 11
Facts. X (an individual) borrows £500 from Y (Finance). As a...
(a) to execute a second mortgage on his house in...
(b) to take out a policy of insurance on his...
In accordance with the loan agreement, the policy is charged...
Analysis. The second mortgage is a transaction for the provision of...
Example 12
Facts. The N Bank agrees to lend O (an individual) £2,000...
Analysis. The agreement is a consumer credit agreement by virtue of...
Example 13
Facts. Q, a debt-adjuster, agrees to pay off debts owed by...
Analysis. This is an agreement to refinance existing indebtedness of the...
Example 14
Facts. On payment of £1, S issues to T (an individual)...  
Analysis. The trading check is a credit-token falling within section 14(1)...
Example 15
Facts. A retailer L agrees with M (an individual) to open...
Analysis. This agreement provides credit falling within the definition of running-account...
Example 16
Facts. Under an unsecured agreement, A (Credit), an associate of the...
Analysis. This is a credit-token agreement falling within section 14(1)(a) and...
Example 17
Facts. The manager of the C Bank agrees orally with D...
Analysis. In drawing the cheque D, by implication, requests the Bank...
Example 18
Facts.F (an individual) has had a current account with the...
Analysis.It might well be held that the agreement with F...

Example 19
Facts.H (a finance house) agrees with J (a partnership of...
Analysis.This is a personal running-account credit agreement (see sections 8(1)...

Example 20
Facts.K (in England) agrees with L (an individual) to bail...
Analysis.This is not a hire-purchase agreement (see paragraph (b) of...

Example 21
Facts.The P Bank decides to issue cheque cards to its...
Analysis.The agreement under which the cheque card is issued to...

Example 22
Facts.The facts are as in Example 16. On one occasion...
Analysis.In exceeding his credit limit B, by implication, requests A...

Example 23
Facts.Under an oral agreement made on 10th January, X (an...
Analysis.The agreement of 10th January is a consumer credit agreement...

Example 24
Facts.On 1st March 1975 Z (in England) enters into an...
Analysis.When entered into on 1st March 1975, the agreement is...
The effect of the modifying agreement of 1st January 1978...
The total rental under the modifying agreement is £1,850. Accordingly...

SCHEDULE 2A — MEANING OF “DEBTOR” IN RELATION TO GREEN DEAL AGREEMENTS

SCHEDULE 3 — Transitional and Commencement Provisions
Note.Except as otherwise mentioned in this Schedule, the provisions of...

Part II of Act — CREDIT AGREEMENTS, HIRE AGREEMENTS AND LINKED TRANSACTIONS

Regulated agreements

1 (1) An agreement made before 1st April 1977 is not a...

Linked transactions

2 A transaction may be a linked transaction in relation to...
3 Section 19(3) applies only to transactions entered into on or...

Total charge for credit

4 Section 20 applies to consumer credit agreements whenever made.

Part III of Act — LICENSING OF CREDIT AND HIRE BUSINESSES

...
... 

6 .............

...

7 .............

Part IV of Act — SEEKING BUSINESS

Advertisements

8 Part IV does not apply to any advertisement published before...

Canvassing

9 Section 49 comes into operation on 1st October 1977.

Circulars to minors

10 Section 50 comes into operation on 1st July 1977.

...

11 .............

Part V of Act — ENTRY INTO CREDIT OR HIRE AGREEMENTS

Antecedent negotiations

12 (1) Section 56 applies to negotiations in relation to an...

General

13 Sections 57 to 59, 61 to 65 and 67 to...
14 Section 66 comes into operation on 19th May 1985.

Part VI of Act — MATTERS ARISING DURING CURRENCY OF CREDIT OR HIRE AGREEMENTS

Liability of creditor for breaches by supplier

15 Section 75 comes into operation on 1st July 1977 but...

Duty to give notice

16 (1) Section 76 comes into operation on 19th May 1985....

Duty to give information

17 (1) Sections 77 to 80 come into operation on 19th...

Appropriation of payments

18 Section 81 comes into operation on 19th May 1985.

Variation of agreements

19 Section 82 comes into operation on 1st April 1977.

Misuse of credit facilities

20 (1) Sections 83 and 84 come into operation on 19th...
Duty on issue of new credit-tokens
21  (1) Section 85 comes into operation on 19th May 1985.

Death of debtor or hirer
22  (1) Section 86 comes into operation on 19th May 1985.

Part VII of Act — DEFAULT AND TERMINATION

Default notices
23  Sections 87 to 89 come into operation on 19th May.

Retaking of goods and land
24  Sections 90 and 91 come into operation on 19th May.
25  Section 92 comes into operation on 19th May 1985.

Interest on default
26  Section 93 comes into operation on 19th May 1985.

Early payment by debtor
27  Sections 94 to 97 come into operation on 19th May.

Termination of agreements
28  Section 98 comes into operation on 19th May 1985.
29  Section 99 comes into operation on 19th May 1985.
30  Section 100 comes into operation on 19th May 1985.
31  Section 101 comes into operation on 19th May 1985.
32  Section 102 comes into operation on 19th May 1985.
33  Section 103 comes into operation on 19th May 1985.
34  Section 104 comes into operation on 19th May 1985.

Old agreements
35  Part VII (except sections 90, 91, 93 and 99 to...

Part VIII of Act — SECURITY

General
36  Section 105 comes into operation on 19th May 1985.
37  (1) Sections 107 to 110 come into operation on 19th...
38  (1) Section 111 comes into operation on 19th May 1985.

Pledges
39  Sections 114 to 122 come into operation on 19th May.

Negotiable instruments
40  Sections 123 to 125 come into operation on 19th May.

Land mortgages
41  Section 126 comes into operation on 19th May 1985.

Part IX of Act — JUDICIAL CONTROL
42 Sections 137 to 140 (extortionate credit bargains) come into operation...
43 Subject to paragraph 42, Part IX comes into operation on...
   Part X of Act — ANCILLARY CREDIT BUSINESSES
   ...
44 ............
   ...
45 ............
   ...
46 ............

Advertisements
47 Subsections (1) and (2) of section 151 do not apply...

Credit Reference Agencies
48 Sections 157 and 158 do not apply to a request...
   Part XII of Act — SUPPLEMENTAL

Interpretation
49 (1) In the case of an agreement—
50 In section 189, the definition of “local authority ” shall...

SCHEDULE 4. — MINOR AND CONSEQUENTIAL AMENDMENTS
   PART I — UNITED KINGDOM

Bills of Sale Act (1878) Amendment Act 1882
1 The following section shall be inserted after section 7 Default...

Factors Act 1889
2 At the end of section 9 insert For the purposes...
3, 4 MINOR AND CONSEQUENTIAL AMENDMENTS

Law of Distress Amendment Act 1908
5 The following section shall be inserted after section 4 — Hire...

Bankruptcy Act 1914
6 The following section shall be inserted after section 38 — Hire...

Compensation (Defence) Act 1939
7 In section 13 after “hire-purchase agreement ” insert “or a...  
8 In section 17(1)— (1) After the definition of “aircraft ”...

Liability for War Damage (Miscellaneous Provisions) Act 1939
9 In section 1(3), for paragraphs (a) and (b) substitute— 
10 MINOR AND CONSEQUENTIAL AMENDMENTS
Rag Flock and Other Filing Materials Act 1951
11 MINOR AND CONSEQUENTIAL AMENDMENTS

Reserve and Auxiliary Forces (Protection of Civil Interest) Act 1951
12 In section 4 for subsections (4), (5) and (6), substitute—...
13 For section 10 substitute— Property in goods subject to hire-purchase...
14 In section 64(1)— (1) after the definition of “compulsory national...

Clean Air Act 1956
15 MINOR AND CONSEQUENTIAL AMENDMENTS
16 MINOR AND CONSEQUENTIAL AMENDMENTS

Restrictive Trade Practices Act 1956
17 For section 26(3) substitute— (3) In this Part of this...

Housing Act 1957
18 For section 94 substitute— Power to provide furniture. A local authority may fit out, furnish and supply any...

County Courts Act 1959
19 MINOR AND CONSEQUENTIAL AMENDMENTS
20, 21 MINOR AND CONSEQUENTIAL AMENDMENTS

Hire Purchase Act 1964
22 For Part III substitute the following (which reproduces the existing...

Emergency Laws (Re-enactment and Repeals) Act 1964
23 In section 1— (1) In subsection (1) for “or credit-sale...

Trading Stamps Act 1964
24 In section 2, for subsection (1) substitute— No person shall after the coming into force of this...
25 In section 3, for subsection (4) substitute—
26 In section 10(1)— (1) after the definition of “cash value...

Housing (Scotland) Act 1966
27 MINOR AND CONSEQUENTIAL AMENDMENTS

Trade Descriptions Act 1968
28 MINOR AND CONSEQUENTIAL AMENDMENTS
29 MINOR AND CONSEQUENTIAL AMENDMENTS

Administration of Justice Act 1970
30 After section 38 insert the following new section— This Part of this Act shall not apply to a...
31 In section 54(6)(c) after “36 ” insert “38A ”.
Vehicles (Excise) Act 1971

32 MINOR AND CONSEQUENTIAL AMENDMENTS

33 MINOR AND CONSEQUENTIAL AMENDMENTS

Counter-Inflation Act 1973

34 In section 21(5)— (a) for “total purchase price or hire-purchase...

Supply of Goods (Implied Terms) Act 1973

35 For sections 8 to 12 substitute the following sections (which...
36 For sections 14 and 15 substitute the following sections (which...

Fair Trading Act 1973

37 MINOR AND CONSEQUENTIAL AMENDMENTS
Part II — NORTHERN IRELAND

Irish Bankrupt and Insolvent Act 1857

38 MINOR AND CONSEQUENTIAL AMENDMENTS

Bills of Sale (Ireland) Act (1879) Amendment Act 1883

39 The following section shall be inserted after section 7:— Defaults...

Liability for War Damage (Miscellaneous Provisions) Act (Northern Ireland) 1939

40 In section 1(3), for paragraph (a) and (b) substitute—
41, 42 MINOR AND CONSEQUENTIAL AMENDMENTS

Trading Stamps Act (Northern Ireland) 1965

43 In section 2, for subsection (1) substitute—
44 In section 3, for subsection (4) substitute—
45 In section 9— (1) after the definition of “cash value...
46, 47 MINOR AND CONSEQUENTIAL AMENDMENTS
48 MINOR AND CONSEQUENTIAL AMENDMENTS

Hire-Purchase Act (Northern Ireland) 1966

49 For Part VI substitute the following (which reproduces the existing...

Vehicles (Excise) Act (Northern Ireland) 1972

50 MINOR AND CONSEQUENTIAL AMENDMENTS

Miscellaneous Transferred Excise Duties Act (Northern Ireland) 1972

51 In section 1(2) for “VII ” where first occurring substitute...

Schedule 5 — Repeals
Changes to legislation:
Consumer Credit Act 1974 is up to date with all changes known to be in force on or before 03 July 2021. 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 :
- s. 16(1)(ff) words repealed by 1996 c. 52 Sch. 19 Pt. 14
- s. 25(1C) words substituted by S.I. 2013/3115 Sch. 2 para. 32 (Effect not applied as Pt. 3 was repealed for certain purposes at an earlier date)
- s. 51A51B inserted by 2010 c. 28 s. 15(2)
- s. 51A modified by 2010 c. 28 s. 15(4)
- s. 174 restricted by 2003 c. 20 s. 115 (This amendment not applied to legislation.gov.uk. S. 174 already repealed (20.6.2003) by 2002 c. 40, ss. 247(d), 278, 279, Sch. 26; S.I. 2003/1397, art. 2, Sch. (with arts. 8, 10))
- s. 174 words substituted by 2003 c. 20 Sch. 2 para. 19(d) (This amendment not applied to legislation.gov.uk. S. 174 already repealed (20.6.2003) by 2002 c. 40, ss. 247(d), 278, 279, Sch. 26; S.I. 2003/1397, art. 2, Sch. (with arts. 8, 10))
- Sch. 1 words inserted by 2010 c. 28 s. 15(3)

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. 25(2A)(b)(ia) inserted by 2010 c. 28 Sch. 2 para. 36