



# Consumer Credit Act 1974

## 1974 CHAPTER 39

### PART IV

#### SEEKING BUSINESS

##### *Canvassing etc.*

#### **48 Definition of canvassing off trade premises (regulated agreements.)**

- (1) An individual (the "canvasser") canvasses a regulated agreement off trade premises if he solicits the entry (as debtor or hirer) of another individual (the "consumer") into the agreement by making oral representations to the consumer, or any other individual, during a visit by the canvasser to any place (not excluded by subsection (2)) where the consumer, or that other individual, as the case may be, is, being a visit—
  - (a) carried out for the purpose of making such oral representations to individuals who are at that place, but
  - (b) not carried out in response to a request made on a previous occasion.
- (2) A place is excluded from subsection (1) if it is a place where a business is carried on (whether on a permanent or temporary basis) by—
  - (a) the creditor or owner, or
  - (b) a supplier, or
  - (c) the canvasser, or the person whose employee or agent the canvasser is, or
  - (d) the consumer.

#### **49 Prohibition of canvassing debtor-creditor agreements off trade premises**

- (1) It is an offence to canvass debtor-creditor agreements off trade premises.
- (2) It is also an offence to solicit the entry of an individual (as debtor) into a debtor-creditor agreement during a visit carried out in response to a request made on a previous occasion, where—

---

*Status: This is the original version (as it was originally enacted).*

---

- (a) the request was not in writing signed by or on behalf of the person making it, and
  - (b) if no request for the visit had been made, the soliciting would have constituted the canvassing of a debtor-creditor agreement off trade premises.
- (3) Subsections (1) and (2) do not apply to any soliciting for an agreement enabling the debtor to overdraw on a current account of any description kept with the creditor, where—
- (a) the Director has determined that current accounts of that description kept with the creditor are excluded from subsections (1) and (2), and
  - (b) the debtor already keeps an account with the creditor (whether a current account or not).
- (4) A determination under subsection (3)(a)—
- (a) may be made subject to such conditions as the Director thinks fit, and
  - (b) shall be made only where the Director is of opinion that it is not against the interests of debtors.
- (5) If soliciting is done in breach of a condition imposed under subsection (4)(a), the determination under subsection (3)(a) does not apply to it.

## **50 Circulars to minors**

- (1) A person commits an offence who, with a view to financial gain, sends to a minor any document inviting him to—
- (a) borrow money, or
  - (b) obtain goods on credit or hire, or
  - (c) obtain services on credit, or
  - (d) apply for information or advice on borrowing money or otherwise obtaining credit, or hiring goods.
- (2) In proceedings under subsection (1) in respect of the sending of a document to a minor, it is a defence for the person charged to prove that he did not know, and had no reasonable cause to suspect, that he was a minor.
- (3) Where a document is received by a minor at any school or other educational establishment for minors, a person sending it to him at that establishment knowing or suspecting it to be such an establishment shall be taken to have reasonable cause to suspect that he is a minor.

## **51 Prohibition of unsolicited credit-tokens**

- (1) It is an offence to give a person a credit-token if he has not asked for it.
- (2) To comply with subsection (1) a request must be contained in a document signed by the person making the request, unless the credit-token agreement is a small debtor-creditor-supplier agreement.
- (3) Subsection (1) does not apply to the giving of a credit-token to a person—
- (a) for use under a credit-token agreement already made, or
  - (b) in renewal or replacement of a credit-token previously accepted by him under a credit-token agreement which continues in force, whether or not varied.