



# Consumer Credit Act 1974

## 1974 CHAPTER 39

### PART VI

#### MATTERS ARISING DURING CURRENCY OF CREDIT OR HIRE AGREEMENTS<sup>F1F1</sup>

#### 82 Variation of agreements.

- (1) Where, under a power contained in a regulated agreement, the creditor or owner varies the agreement, the variation shall not take effect before notice of it is given to the debtor or hirer in the prescribed manner.
- (2) Where an agreement (a “modifying agreement”) varies or supplements an earlier agreement, the modifying agreement shall for the purposes of this Act be treated as—
  - (a) revoking the earlier agreement, and
  - (b) containing provisions reproducing the combined effect of the two agreements, and obligations outstanding in relation to the earlier agreement shall accordingly be treated as outstanding instead in relation to the modifying agreement.

[<sup>F1</sup>(2A) Subsection (2) does not apply if [<sup>F2</sup>the earlier agreement or] the modifying agreement is an exempt agreement as a result of section 16(6C).]

- (3) If the earlier agreement is a regulated agreement but (apart from this subsection) the modifying agreement is not then, [<sup>F3</sup> unless the modifying agreement is—
  - (a) for running account credit; or
  - (b) an exempt agreement as a result of section 16(6C),it shall be treated as a regulated agreement.] .
- (4) If the earlier agreement is a regulated agreement for running-account credit, and by the modifying agreement the creditor allows the credit limit to be exceeded but intends the excess to be merely temporary, Part V (except section 56) shall not apply to the modifying agreement.
- (5) If—
  - (a) the earlier agreement is a cancellable agreement, and

*Status: Point in time view as at 06/04/2008. This version of this provision has been superseded.*

*Changes to legislation: Consumer Credit Act 1974, Section 82 is up to date with all changes known to be in force on or before 02 June 2024. 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. (See end of Document for details)*

(b) the modifying agreement is made within the period applicable under section 68 to the earlier agreement,

then, whether or not the modifying agreement would, apart from this subsection, be a cancellable agreement, it shall be treated as a cancellable agreement in respect of which a notice may be served under section 68 not later than the end of the period applicable under that section to the earlier agreement.

[<sup>F4</sup>(5A) Subsection (5) does not apply where the modifying agreement is an exempt agreement as a result of section 16(6C).]

(6) Except under subsection (5), a modifying agreement shall not be treated as a cancellable agreement.

(7) This section does not apply to a non-commercial agreement.

#### **Textual Amendments**

- F1** S. 82(2A) inserted (16.11.2005) by [The Financial Services and Markets Act 2000 \(Consequential Amendments\) Order 2005 \(S.I. 2005/2967\)](#), **art. 2(2)**
- F2** Words in s. 82(2A) inserted (6.4.2008) by [The Financial Services and Markets Act 2000 \(Consequential Amendments\) Order 2008 \(S.I. 2008/733\)](#), **art. 2**
- F3** Words in s. 82(3) substituted (16.11.2005) by [The Financial Services and Markets Act 2000 \(Consequential Amendments\) Order 2005 \(S.I. 2005/2967\)](#), **art. 2(3)**
- F4** S. 82(5A) inserted (16.11.2005) by [The Financial Services and Markets Act 2000 \(Consequential Amendments\) Order 2005 \(S.I. 2005/2967\)](#), **art. 2(4)**

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