

SCHEDULE

AMENDMENTS TO SCHEDULE 3 TO THE ACT

(Article 3)

Paragraphs 44 and 45, as amended by the Consumer Credit Act 1974 (Commencement No. 2) Order 1977, and paragraph 46 are amended so as to have effect as follows (the amendments made by this Order being, for convenience, shown in bold type):

Licensing

44.—(1) Section 21(1) does not apply (by virtue of section 147(1)) to the carrying on of any ancillary credit business before 3rd August 1976 in the case of any business so far as it comprises or relates to—

- (a) debt-adjusting,
- (b) debt-counselling,
- (c) debt-collecting, or
- (d) the operation of a credit reference agency.

(1A) Section 21(1) **does not apply (by virtue of section 147(1)) to the carrying on of any ancillary credit business before 1st July 1978 so far as it comprises or relates to credit brokerage, not being a business which is carried on by an individual and in the course of which introductions are effected only of individuals desiring to obtain credit—**

- (a) under debtor-creditor-supplier agreements which fall within section 12(a) and where, in the case of any such agreement—**
 - (i) the person carrying on the business would be willing to sell the goods which are the subject of the agreement to the debtor under a transaction not financed by credit, and**
 - (ii) the amount of credit does not exceed £30; and**
- (b) under debtor-creditor-supplier agreements which fall within section 12(b) or (c) and where, in the case of any such agreement—**
 - (i) the person carrying on the business is the supplier,**
 - (ii) the creditor is a person referred to in section 145(2)(a)(i), and**
 - (iii) the amount of credit or, in the case of an agreement for running-account credit, the credit limit does not exceed £30.**

(1B) Section 21(1) **does not apply (by virtue of section 147(1)) to the carrying on of any ancillary credit business before the day appointed for the purposes of this paragraph in the case of any description of ancillary credit business in relation to which no day is appointed under the foregoing provisions of this paragraph**

- (2)** Where the person carrying on an ancillary credit business applies for a licence before—
 - (a) 3rd August 1976 in the case of an ancillary credit business of a description to which subparagraph (1) above applies;**
 - (b) 1st July 1978 in the case of an ancillary credit business of a description to which subparagraph (1A) above applies; or**
 - (c) the day appointed for the purposes of this paragraph in the case of an ancillary credit business to which subparagraph (1B) above applies,**

he shall be deemed to have been granted on 3rd August 1976, **1st July 1978 or the day so appointed, as the case may be**, a licence covering the description of ancillary credit business in question and

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continuing in force until the licence applied for is granted or, if the application is refused, until the end of the appeal period.

Enforcement of agreements made by unlicensed trader

45. Section 148(1) does not apply to an agreement made in the course of any business before 3rd August 1976 in the case of any business so far as it comprises or relates to—

- (a) debt-adjusting,
- (b) debt-counselling,
- (c) debt-collecting, or
- (d) the operation of a credit reference agency,

or before 1st July 1978 in the case of an ancillary credit business of a description to which subparagraph (1A) of paragraph 44 applies or before the day appointed for the purposes of that paragraph in the case of an ancillary credit business to which subparagraph (1B) of that paragraph applies.

Introductions by unlicensed credit-broker

46. Section 149 does not apply to a regulated agreement made on an introduction effected in the course of any business if the introduction was effected before **1st July 1978 in the case of an ancillary credit business to which** subparagraph (1A) of paragraph 44 **applies or before the day appointed for the purposes of that paragraph in the case of an ancillary credit business to which** subparagraph (1B) **of that paragraph applies.**