
STATUTORY INSTRUMENTS

1989 No. 1125

The Consumer Credit (Advertisements) Regulations 1989

PART I

PRELIMINARY

Citation, commencement, interpretation and revocation

1.—(1) These Regulations may be cited as the Consumer Credit (Advertisements) Regulations 1989 and shall come into force on 1st February 1990.

(2) In these Regulations, unless the context otherwise requires:—

“the Act” means the Consumer Credit Act 1974;

“advance payment” includes any deposit but does not include a repayment of credit or any insurance premium or any amount entering into the total charge for credit;

“the APR” means the annual percentage rate of charge for credit determined in accordance with the Total Charge for Credit Regulations and Schedule 3 to these Regulations;

“cash price” in relation to any goods, services, land or other things means the price or charge at which the goods, services, land or other things may be purchased by, or supplied to, persons for cash, account being taken of any discount generally available from the dealer or supplier in question;

“cash purchaser” means, in relation to any advertisement, a person who, for a money consideration—

(a) acquires goods, land or other things; or

(b) is provided with services,

under a transaction which is not financed by credit;

“Consumer credit tables” means tables contained in Parts 1 to 15 of “Consumer credit tables” published in 1977 by Her Majesty’s Stationery Office as modified by Correction Slips so published in December 1978 (being tables calculated in accordance with the principles set out in the Total Charge for Credit Regulations);

“contract of insurance” means a contract of insurance to which the Insurance Companies Act 1982(1) applies;

“credit advertisement” means an advertisement to which Part IV of the Act applies by virtue of it falling within section 43(1)(a) or which falls within section 151(1) of the Act in so far as section 44 is applied to such an advertisement;

“current account” means an account under which the customer may, by means of cheques or similar orders payable to himself or to any other person or by any other means, obtain or have the use of money held or made available by the person with whom the account is kept and which records alterations in the financial relationship between the said person and the customer;

“dealer” means, in relation to a hire-purchase, credit sale or conditional sale agreement under which he is not the creditor, a person who sells or proposes to sell goods, land or other things to the creditor before they form the subject matter of any such agreement and, in relation to any other agreement, means a supplier or his agent;

“hire advertisement” means an advertisement to which Part IV of the Act applies by virtue of it falling within section 43(1)(b) or which falls within section 151(1) of the Act in so far as section 44 is applied to such an advertisement;

“hire payment” means any payment to be made by a person in relation to any period in consideration of the bailment to him of goods, other than an advance payment;

“identified dealer” means, in relation to an advertisement—

- (a) a dealer who is named in the advertisement or is identified in it by reference to a business connection he has with the advertiser; or
- (b) a dealer upon whose premises the advertisement is published;

“premises” includes any place, stall, vehicle, vessel, aircraft or hovercraft at which a person is carrying on any business (whether on a permanent or temporary basis);

“supplier” has the meaning assigned to it by section 189(1) of the Act, except that it does not include, in relation to a hire-purchase, credit sale or conditional sale agreement, a creditor to whom goods, land or other things are sold or proposed to be sold by a dealer before becoming the subject matter of such an agreement;

“total charge for credit” shall be determined in accordance with the Total Charge for Credit Regulations and Schedule 3 to these Regulations; and

“the Total Charge for Credit Regulations” means the Consumer Credit (Total Charge for Credit) Regulations 1980(2).

- (3) Any reference in these Regulations to bailment is in Scotland a reference to hiring.
- (4) In these Regulations, references to repayment of credit are references to repayment of credit with or without any other amount.
- (5) In these Regulations, any reference to the name of any person is—
 - (a) in the case of any person covered by a standard licence, a reference to any name of his specified in the licence; and
 - (b) in the case of any other person, a reference to any name under which he carries on business.
- (6) Where any expression is used in these Regulations and in the Act, for the purposes of these Regulations that expression shall be construed as if in the Act (except section 8) references to consumer credit agreements and to regulated agreements (being consumer credit agreements) included references to personal credit agreements.
- (7) The Regulations specified in Schedule 4 to these Regulations are hereby revoked to the extent specified in the third column of that Schedule.