

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Consumer Credit (EU Directive) Regulations 2010. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

STATUTORY INSTRUMENTS

2010 No. 1010

The Consumer Credit (EU Directive) Regulations 2010

PROSPECTIVE

PART 2

Amendments to primary legislation

Overdrafts etc

17.—(1) Section 74 (exclusion of certain agreements from Part V) is amended as follows.

(2) For subsections (1) and (2) substitute—

“(1) Except as provided in subsections (1A) to (2), this Part does not apply to—

- (a) a non-commercial agreement,
- (b) a debtor-creditor agreement enabling the debtor to overdraw on a current account,
- (c) a debtor-creditor agreement to finance the making of such payments arising on, or connected with, the death of a person as may be prescribed, or
- (d) a small debtor-creditor-supplier agreement for restricted-use credit.

(1A) Section 56 (antecedent negotiations) applies to a non-commercial agreement.

(1B) Where an agreement that falls within subsection (1)(b) is an authorised business overdraft agreement the following provisions apply—

- (a) section 55B (assessment of creditworthiness);
- (b) section 56 (antecedent negotiations);
- (c) section 60 (regulations on form and content of agreements);
- (d) section 61B (duty to supply copy of overdraft agreement).

(1C) Where an agreement that falls within subsection (1)(b) is an authorised non-business overdraft agreement the following provisions apply—

- (a) section 55 (regulations on disclosure of information);
- (b) section 55B (assessment of creditworthiness);
- (c) section 55C (copy of draft consumer credit agreement);
- (d) section 56 (antecedent negotiations);
- (e) section 60 (regulations on form and content of agreements);
- (f) section 61B (duty to supply copy of overdraft agreement).

(1D) Where an agreement that falls within subsection (1)(b) would be an authorised non-business overdraft agreement but for the fact that the credit is not repayable on demand or within three months the following provisions apply—

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- (a) section 55 (regulations on disclosure of information);
- (b) section 55A (adequate explanations);
- (c) section 55B (credit assessment);
- (d) section 55C (copy of draft consumer credit agreement);
- (e) section 56 (antecedent negotiations);
- (f) section 60 (regulations on form and content of agreements);
- (g) section 61 (signing of agreement);
- (h) section 61A (duty to supply copy of executed agreement);
- (i) section 66A (withdrawal from consumer credit agreement).

(1E) In the case of an agreement that falls within subsection (1)(b) but does not fall within subsection (1B), (1C) or (1D), section 56 (antecedent negotiations) applies.

(1F) The following provisions apply to a debtor-creditor agreement to finance the making of such payments arising on, or connected with, the death of a person as may be prescribed—

- (a) section 55 (regulations on disclosure of information);
- (b) section 55A (adequate explanations);
- (c) section 55B (assessment of creditworthiness);
- (d) section 55C (copy of draft consumer credit agreement);
- (e) section 56 (antecedent negotiations);
- (f) section 60 (regulations on form and content of agreements);
- (g) section 61 (signing of agreement);
- (h) section 61A (duty to supply copy of executed agreement);
- (i) section 66A (withdrawal from consumer credit agreement).

(2) The following provisions apply to a small debtor-creditor-supplier agreement for restricted-use credit—

- (a) section 55 (regulations on disclosure of information);
- (b) section 56 (antecedent negotiations);
- (c) section 66A (withdrawal from consumer credit agreement).”.

(3) In subsection (3) for “Subsection (1)(b) or (c) applies” substitute “Subsection (1)(c) applies”.

(4) Omit subsection (3A).

(5) In subsection (4) for “(1)(c) or (2)”, in both places, substitute “(1)(d)”.

Commencement Information

II Reg. 17 in force at 1.2.2011, see [reg. 99\(1\)](#)

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Changes and effects yet to be applied to :

- Regulations power to modify conferred by [2023 c. 29 s. 3 Sch. 1 Pt. 2](#)
- Regulations revoked by [2023 c. 29 Sch. 1 Pt. 2](#)
- reg. 17 coming into force by [S.I. 2010/1010 reg. 99\(1\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 3(4) words substituted by [S.I. 2010/1969 reg. 6](#)
- reg. 25(8) inserted by [S.I. 2010/1969 reg. 11](#)
- reg. 54(za)(zb) inserted by [S.I. 2010/1969 reg. 14](#)
- reg. 55A inserted by [S.I. 2010/1969 reg. 16](#)
- reg. 56(za)(zb) inserted by [S.I. 2010/1969 reg. 17](#)
- reg. 67A inserted by [S.I. 2010/1969 reg. 21](#)
- reg. 76(1A) substituted by [S.I. 2010/1969 reg. 25](#)
- reg. 88A inserted by [S.I. 2011/11 reg. 6](#)
- reg. 91A inserted by [S.I. 2010/1969 reg. 27](#)
- reg. 100(2)(za) inserted by [S.I. 2010/1969 reg. 29\(b\)](#)
- reg. 100(3)(za) inserted by [S.I. 2010/1969 reg. 29\(c\)](#)
- reg. 101A inserted by [S.I. 2010/1969 reg. 30](#)