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## SCHEDULES

### SCHEDULE 3

Section 192(1).

#### TRANSITIONAL AND COMMENCEMENT PROVISIONS

*Note.* Except as otherwise mentioned in this Schedule, the provisions of this Act come into operation on its passing, that is on 31st July 1974.

#### PART II OF ACT

##### CREDIT AGREEMENTS, HIRE AGREEMENTS AND LINKED TRANSACTIONS

###### *Regulated agreements*

- 1 (1) An agreement made before [<sup>F1</sup>1st April 1977] is not a regulated agreement within the meaning of this Act.
- (2) In this Act “prospective regulated agreement ” does not include a prospective agreement which, if made as expected, would be made before [<sup>F1</sup>1st April 1977].

###### **Textual Amendments**

**F1** Words substituted by [S.I. 1977/325](#), [art. 2 Sch. 1 para. 1](#)

###### *Linked transactions*

- 2 A transaction may be a linked transaction in relation to a regulated agreement or prospective regulated agreement even though the transaction was entered into before the day appointed for the purposes of paragraph 1.
- 3 Section 19(3) applies only to transactions entered into on or after [<sup>F2</sup>19th May 1985].

###### **Textual Amendments**

**F2** Words substituted by [S.I. 1983/1551](#), [arts. 2\(1\), 3\(a\)\(i\)](#)

###### *Total charge for credit*

- 4 Section 20 applies to consumer credit agreements whenever made.

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## PART III OF ACT

### LICENSING OF CREDIT AND HIRE BUSINESSES

#### *[<sup>F3</sup> Businesses needing a licence]*

#### Textual Amendments

**F3** Sch. 3 para. 5 substituted by virtue of S.I. 1989/1128, art. 3, Sch.

- <sup>F45</sup> (1) Section 21 does not apply to the carrying on of any description of consumer credit business or consumer hire business—
- (a) before 31st July 1989 in the case of a consumer credit business which is carried on by an individual and in the course of which only the following regulated consumer credit agreements (excluding agreements made before that date) are made, namely—
    - (i) agreements for fixed-sum credit not exceeding £30, and
    - (ii) agreements for running-account credit where the credit limit does not exceed that amount;
  - (b) before 1st October 1977 in the case of any other description of consumer credit business; and
  - (c) before 1st October 1977 in the case of any consumer hire business.
- (2) Where the person carrying on a consumer credit business or a consumer hire business applies for a licence—
- (a) before 31st July 1989 in the case of a consumer credit business to which subparagraph (1)(a) above applies, or
  - (b) before 1st October 1977 in the case of any other description of consumer credit business or in the case of any consumer hire business,
- he shall be deemed to have been granted on 31st July 1989 or 1st October 1977, as the case may be, a licence covering that business and continuing in force until the licence applied for is granted or, if the application is refused, until the end of the appeal period.]

#### Textual Amendments

**F4** Sch. 3 para. 5 substituted by virtue of S.I. 1989/1128, art. 3, Sch.

#### *The register*

- 6 Sections 35 and 36 come into operation on [<sup>F5</sup>2nd February 1976].

#### Textual Amendments

**F5** Words substituted by S.I. 1975/2123, art. 3 (a)

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*Enforcement of agreements made by unlicensed trader*

[<sup>F67</sup> Section 40 does not apply to a regulated agreement made in the course of any business before the day specified or referred to in paragraph 5(1) in relation to the description of business in question.]

**Textual Amendments**

**F6** Sch. 3 para. 7 substituted by S.I. 1977/325, Sch. 1 para. 3

**PART IV OF ACT**

**SEEKING BUSINESS**

*Advertisements*

8 Part IV does not apply to any advertisement published before [<sup>F7</sup>6th October 1980].

**Textual Amendments**

**F7** Words substituted by S.I. 1980/50, art. 3

*Canvassing*

9 Section 49 comes into operation on [<sup>F8</sup>1st October 1977].

**Textual Amendments**

**F8** Words substituted by S.I. 1977/802, para. 3

*Circulars to minors*

10 Section 50 comes into operation on [<sup>F9</sup>1st July 1977].

**Textual Amendments**

**F9** Words substituted by S.I. 1977/802, para. 3

*Unsolicited credit-tokens*

11 (1) Section 51(1) does not apply to the giving of a credit-token before [<sup>F10</sup>1st July 1977].  
(2) In section 51(3), “agreement” means an agreement whenever made.

**Textual Amendments**

**F10** Words substituted by S.I. 1977/802, para. 3

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## PART V OF ACT

### ENTRY INTO CREDIT OR HIRE AGREEMENTS

#### *Antecedent negotiations*

- 12 (1) Section 56 applies to negotiations in relation to an actual or prospective regulated agreement where the negotiations begin after [<sup>F11</sup>16th May 1977].
- (2) In section 56(3), “agreement”, where it first occurs, means an agreement whenever made.

#### Textual Amendments

**F11** Words substituted by [S.I. 1977/325](#), [art. 2 Sch. 1 para. 1](#)

#### *General*

- 13 Sections 57 to 59, 61 to 65 and 67 to 73 come into operation on [<sup>F12</sup>19th May 1985].

#### Textual Amendments

**F12** Words substituted by [S.I. 1983/1551](#), [arts. 2\(1\), 3\(a\)\(i\)](#)

- 14 Section 66 comes into operation on [<sup>F13</sup>19th May 1985].

#### Textual Amendments

**F13** Words substituted by [S.I. 1983/1551](#), [arts. 2\(1\), 3\(a\)\(i\)](#)

## PART VI OF ACT

### MATTERS ARISING DURING CURRENCY OF CREDIT OR HIRE AGREEMENTS

#### *Liability of creditor for breaches by supplier*

- 15 Section 75 comes into operation on [<sup>F14</sup>1st July 1977 but only in relation to regulated agreements made on or after that day].

#### Textual Amendments

**F14** Words substituted by [S.I. 1977/802](#), [para. 3](#)

#### *Duty to give notice*

- 16 (1) Section 76 comes into operation on [<sup>F15</sup>19th May 1985].
- (2) Section 76 applies to an agreement made before [<sup>F15</sup>19th May 1985] where the agreement would have been a regulated agreement if made on that day.

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**Textual Amendments**

**F15** Words substituted by [S.I. 1983/1551](#), [arts. 2\(1\)](#), 3(a)(i)

*Duty to give information*

- 17 (1) Sections 77 to 80 come into operation on [<sup>F16</sup>19th May 1985].
- (2) Sections 77 to 79 apply to an agreement made before [<sup>F16</sup>19th May 1985] where the agreement would have been a regulated agreement if made on that day.

**Textual Amendments**

**F16** Words substituted by [S.I. 1983/1551](#), [arts. 2\(1\)](#), 3(a)(i)

*Appropriation of payments*

- 18 Section 81 comes into operation on [<sup>F17</sup>19th May 1985].

**Textual Amendments**

**F17** Words substituted by [S.I. 1983/1551](#), [arts. 2\(1\)](#), 3(a)(i)

*Variation of agreements*

- 19 Section 82 comes into operation on [<sup>F18</sup>1st April 1977].

**Textual Amendments**

**F18** Words substituted by [S.I. 1977/325](#), [art. 2 Sch. 1 para. 1](#)

*Misuse of credit facilities*

- 20 (1) Sections 83 and 84 come into operation on [<sup>F19</sup>19th May 1985].
- (2) Subject to sub-paragraph (4), section 83 applies to an agreement made before [<sup>F19</sup>19th May 1985] where the agreement would have been a regulated consumer credit agreement if made on that day.
- (3) Subject to sub-paragraph (4), section 84 applies to an agreement made before [<sup>F19</sup>19th May 1985] where the agreement would have been a credit-token agreement if made on that day.
- (4) Sections 83 and 84 do not apply to losses arising before [<sup>F19</sup>19th May 1985].
- (5) Section 84(4) shall be taken to be satisfied in relation to an agreement made before [<sup>F19</sup>19th May 1985] if, within 28 days after that day, the creditor gives notice to the debtor of the name, address and telephone number of a person stated in that notice to be the person to whom notice is to be given under section 84(3).

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**Textual Amendments**

**F19** Words substituted by [S.I. 1983/1551](#), **arts. 2(1)**, 3(a)(i)

*Duty on issue of new credit-tokens*

- 21 (1) Section 85 comes into operation on [<sup>F20</sup>19th May 1985].
- (2) Section 85 applies to an agreement made before [<sup>F20</sup>19th May 1985] where the agreement would have been a regulated agreement if made on that day.

**Textual Amendments**

**F20** Words substituted by [S.I. 1983/1551](#), **arts. 2(1)**, 3(a)(i)

*Death of debtor or hirer*

- 22 (1) Section 86 comes into operation on [<sup>F21</sup>19th May 1985].
- (2) Section 86 applies to an agreement made before [<sup>F21</sup>19th May 1985] where the agreement would have been a regulated agreement if made on that day.

**Textual Amendments**

**F21** Words substituted by [S.I. 1983/1551](#), **arts. 2(1)**, 3(a)(i)

**PART VII OF ACT**

DEFAULT AND TERMINATION

*Default notices*

- 23 Sections 87 to 89 come into operation on [<sup>F22</sup>19th May 1985].

**Textual Amendments**

**F22** Words substituted by [S.I. 1983/1551](#), **arts. 2(1)**, 3(a)(i)

*Retaking of goods and land*

- 24 Sections 90 and 91 come into operation on [<sup>F23</sup>19th May 1985].

**Textual Amendments**

**F23** Words substituted by [S.I. 1983/1551](#), **arts. 2(1)**, 3(a)(i)

- 25 Section 92 comes into operation on [<sup>F24</sup>19th May 1985].

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**Textual Amendments**

**F24** Words substituted by [S.I. 1983/1551](#), [arts. 2\(1\)](#), 3(a)(i)

*Interest on default*

26 Section 93 comes into operation on [<sup>F25</sup>19th May 1985].

**Textual Amendments**

**F25** Words substituted by [S.I. 1983/1551](#), [arts. 2\(1\)](#), 3(a)(i)

*Early payment by debtor*

27 Sections 94 to 97 come into operation on [<sup>F26</sup>19th May 1985].

**Textual Amendments**

**F26** Words substituted by [S.I. 1983/1551](#), [arts. 2\(1\)](#), 3(a)(i)

*Termination of agreements*

28 Section 98 comes into operation on [<sup>F27</sup>19th May 1985].

**Textual Amendments**

**F27** Words substituted by [S.I. 1983/1551](#), [arts. 2\(1\)](#), 3(a)(i)

29 Section 99 comes into operation on [<sup>F28</sup>19th May 1985].

**Textual Amendments**

**F28** Words substituted by [S.I. 1983/1551](#), [arts. 2\(1\)](#), 3(a)(i)

30 Section 100 comes into operation on [<sup>F29</sup>19th May 1985].

**Textual Amendments**

**F29** Words substituted by [S.I. 1983/1551](#), [arts. 2\(1\)](#), 3(a)(i)

31 Section 101 comes into operation on [<sup>F30</sup>19th May 1985].

**Textual Amendments**

**F30** Words substituted by [S.I. 1983/1551](#), [arts. 2\(1\)](#), 3(a)(i)

32 Section 102 comes into operation on [<sup>F31</sup>19th May 1985].

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**Textual Amendments**

**F31** Words substituted by [S.I. 1983/1551](#), [arts. 2\(1\)](#), 3(a)(i)

33 Section 103 comes into operation on [<sup>F32</sup>19th May 1985].

**Textual Amendments**

**F32** Words substituted by [S.I. 1983/1551](#), [arts. 2\(1\)](#), 3(a)(i)

34 Section 104 comes into operation on [<sup>F33</sup>19th May 1985].

**Textual Amendments**

**F33** Words substituted by [S.I. 1983/1551](#), [arts. 2\(1\)](#), 3(a)(i)

*Old agreements*

35 Part VII (except sections 90, 91, 93 and 99 to 102 and 104) applies to an agreement made before [<sup>F34</sup>19th May 1985] where the agreement would have been a regulated agreement if made on that day.

**Textual Amendments**

**F34** Words substituted by [S.I. 1983/1551](#), [arts. 2\(1\)](#), 3(a)(i)

**PART VIII OF ACT**

SECURITY

*General*

36 Section 105 comes into operation on [<sup>F35</sup>19th May 1985].

**Textual Amendments**

**F35** Words substituted by [S.I. 1983/1551](#), [arts. 2\(1\)](#), 3(a)(i)

37 (1) Sections 107 to 110 come into operation on [<sup>F36</sup>19th May 1985].

(2) Sections 107 to 110 apply to an agreement made before [<sup>F36</sup>19th May 1985] where the agreement would have been a regulated agreement if made on that day.

**Textual Amendments**

**F36** Words substituted by [S.I. 1983/1551](#), [arts. 2\(1\)](#), 3(a)(i)

38 (1) Section 111 comes into operation on [<sup>F37</sup>19th May 1985].



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(2) Section 111 applies to an agreement made before [<sup>F37</sup>19th May 1985] where the agreement would have been a regulated agreement if made on that day.

**Textual Amendments**

**F37** Words substituted by [S.I. 1983/1551](#), [arts. 2\(1\)](#), 3(a)(i)

*Pledges*

39 Sections 114 to 122 come into operation on [<sup>F38</sup>19th May 1985 but only in respect of articles taken in pawn under a regulated consumer credit agreement].

**Textual Amendments**

**F38** Words substituted by [S.I. 1983/1551](#), [arts. 2\(2\)](#), 3(a)(ii)

*Negotiable instruments*

40 Sections 123 to 125 come into operation on [<sup>F39</sup>19th May 1985].

**Textual Amendments**

**F39** Words substituted by [S.I. 1984/436](#), [art. 3](#)

*Land mortgages*

41 Section 126 comes into operation on [<sup>F40</sup>19th May 1985].

**Textual Amendments**

**F40** Words substituted by [S.I. 1983/1551](#), [arts. 2\(1\)](#), 3(a)(i)

**PART IX OF ACT**

**JUDICIAL CONTROL**

42 Sections 137 to 140 (extortionate credit bargains) come into operation on [<sup>F41</sup>16th May 1977], and apply to agreements and transactions whenever made.

**Textual Amendments**

**F41** Words substituted by [S.I. 1977/325](#), [art. 2 Sch. 1 para. 1](#)

43 Subject to paragraph 42, Part IX comes into operation on [<sup>F42</sup>19th May 1985].

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### Textual Amendments

**F42** Words substituted by S.I. 1983/1551, arts. 2(1), 3(a)(i)

## PART X OF ACT

### ANCILLARY CREDIT BUSINESSES

#### *Licensing*

- [<sup>F43</sup>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 sub-paragraph (1) above applies;
  - (b) 1st July 1978 in the case of an ancillary credit business of a description to which sub-paragraph (1A) above applies; or
  - (c) the day appointed for the purposes of this paragraph in the case of an ancillary credit business to which sub-paragraph (1B) above applies,

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

**Textual Amendments**

**F43** Sch. 3 para. 44 substituted by S.I. 1977/2163, art. 2, Sch.

*Enforcement of agreements made by unlicensed trader*

- [<sup>F44</sup>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 sub-paragraph (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 sub-paragraph (1B) of that paragraph applies.]

**Textual Amendments**

**F44** Sch. 3 para. 45 substituted by S.I. 1977/2163, art. 2, Sch.

*Introductions by unlicensed credit-broker*

- [<sup>F45</sup>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 sub-paragraph (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 sub-paragraph (1B) of that paragraph applies.]

**Textual Amendments**

**F45** Sch. 3 para. 46 substituted by S.I. 1977/2163, art. 2, Sch.

*Advertisements*

- 47 Subsections (1) and (2) of section 151 do not apply to any advertisement published before [<sup>F46</sup>6th October 1980].

**Textual Amendments**

**F46** Words substituted by S.I. 1980/50, art. 3

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### *Credit reference agencies*

48 Sections 157 and 158 do not apply to a request received before [F47 16th May 1977].

#### **Textual Amendments**

**F47** Words substituted by [S.I. 1977/325](#), [art. 2 Sch. 1 para. 1](#)

## PART XII OF ACT

### SUPPLEMENTAL

#### *Interpretation*

- 49 (1) In the case of an agreement—
- (a) which was made before [F48 19th May 1985], and
  - (b) to which (by virtue of paragraph 17(2)) section 78(4) applies,
- section 185(2) shall have effect as respects a notice given before that day in relation to the agreement (whether given before or after the passing of this Act) as it would have effect if section 78(4) had been in operation when the notice was given.
- (2) Paragraph (1) applies to an agreement made on or after [F48 19th May 1985] to provide credit on a current account opened before that day as it applies to an agreement made before that day.

#### **Textual Amendments**

**F48** Words substituted by [S.I. 1983/1551](#), [art. 3\(b\)](#)

- 50 In section 189, the definition of “local authority ” shall have effect in relation to matters arising before 16th May 1975 as if for the words “regional, islands or district council ” there were substituted “a county council or town council ”.

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