



Consumer Credit Act 1974

1974 CHAPTER 39

PART X

ANCILLARY CREDIT BUSINESSES

Licensing

148 Agreement for services of unlicensed trader

- (1) An agreement for the services of a person carrying on an ancillary credit business (the "trader"), if made when the trader was unlicensed, is enforceable against the other party (the "customer") only where the Director has made an order under subsection (2) which applies to the agreement.
- (2) The trader or his successor in title may apply to the Director for an order that agreements within subsection (1) are to be treated as if made when the trader was licensed.
- (3) Unless the Director determines to make an order under subsection (2) in accordance with the application, he shall, before determining the application, by notice—
 - (a) inform the trader, giving his reasons, that, as the case may be, he is minded to refuse the application, or to grant it in terms different from those applied for, describing them, and
 - (b) invite the trader to submit to the Director representations in support of his application in accordance with section 34.
- (4) In determining whether or not to make an order under subsection (2) in respect of any period the Director shall consider, in addition to any other relevant factors.—
 - (a) how far, if at all, customers under agreements made by the trader during that period were prejudiced by the trader's conduct,
 - (b) whether or not the Director would have been likely to grant a licence covering that period on an application by the trader, and
 - (c) the degree of culpability for the failure to obtain a licence.

Status: This is the original version (as it was originally enacted).

- (5) If the Director thinks fit, he may in an order under subsection (2)—
- (a) limit the order to specified agreements, or agreements of a specified description or made at a specified time;
 - (b) make the order conditional on the doing of specified acts by the trader.