



# Consumer Credit Act 1974

## CHAPTER 39

### CONSUMER CREDIT ACT 1974

#### PART I

##### OFFICE OF FAIR TRADING

- 1 General functions of OFT.
- 2 Powers of Secretary of State.
- 3 Supervision by Council on Tribunals.
- 4 Dissemination of information and advice.
- 5 Annual and other reports.
- 6 Form etc. of applications.
- 6A Charge on applicants for licences etc.
- 7 Penalty for false information.

#### PART II

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

- 8 Consumer credit agreements.
- 9 Meaning of credit.
- 10 Running-account credit and fixed-sum credit.
- 11 Restricted-use credit and unrestricted-use credit.
- 12 Debtor-creditor supplier agreements.
- 13 Debtor-creditor agreements.
- 14 Credit-token agreements.
- 15 Consumer hire agreements.
- 16 Exempt agreements.
- 16A Exemption relating to high net worth debtors and hirers
- 16B Exemption relating to businesses
- 16C Exemption relating to investment properties

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### **PART III**

#### LICENSING OF CREDIT AND HIRE BUSINESSES

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- 22 Standard and group licences.
- 23 Authorisation of specific activities.
- 24 Control of name of business.
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- 27A Consumer credit EEA firms
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##### *Renewal, variation, suspension and revocation of licences*

- 29 Renewal.
- 30 Variation by request.
- 31 Compulsory variation.
- 32 Suspension and revocation.
- 33 Application to end suspension.

##### *Further powers of OFT to regulate conduct of licensees etc.*

- 33A Power of OFT to impose requirements on licensees
- 33B Power of OFT to impose requirements on supervisory bodies
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- 34A Winding-up of standard licensee's business
- 35 The register.
- 36 Duty to notify changes.
- 36A Further duties to notify changes etc.
- 36B Power of OFT to require information generally
- 36C Power of OFT to require access to premises

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- 36D Entry to premises under warrant
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- 36F Officers of enforcement authorities other than OFT
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### **PART IV**

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- 43 Advertisements to which Part IV applies.
- 44 Form and content of advertisements.
- 45 Prohibition of advertisement where goods etc. not sold for cash.
- 46 False or misleading advertisements.
- 47 Advertising infringements.

##### *Canvassing etc.*

- 48 Definition of canvassing off trade premises (regulated agreements).
- 49 Prohibition of canvassing debtor-creditor agreements off trade premises.
- 50 Circulars to minors.
- 51 Prohibition of unsolicited credit-tokens.
- 51A Restrictions on provision of credit card cheques
- 51B Section 51A: exemption for business

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- 52 Quotations.
- 53 Duty to display information.
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### **PART V**

#### ENTRY INTO CREDIT OR HIRE AGREEMENTS

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- 55A Pre-contractual explanations etc
- 55B Assessment of creditworthiness
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- 56 Antecedent negotiations.
- 57 Withdrawal from prospective agreement.
- 58 Opportunity for withdrawal from prospective land mortgage.
- 59 Agreement to enter future agreement void.

#### *Making the agreement*

- 60 Form and content of agreements.
- 61 Signing of agreement.
- 61A Duty to supply copy of executed consumer credit agreement
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- 62 Duty to supply copy of unexecuted agreement : excluded agreements.
- 63 Duty to supply copy of executed agreement : excluded agreements.
- 64 Duty to give notice of cancellation rights.
- 65 Consequences of improper execution.
- 66 Acceptance of credit-tokens.

#### *Withdrawal from certain agreements*

- 66A Withdrawal from consumer credit agreement

#### *Cancellation of certain agreements within cooling-off period*

- 67 Cancellable agreements.
- 68 Cooling-off period.
- 69 Notice of cancellation.
- 70 Cancellation: recovery of money paid by debtor or hirer.
- 71 Cancellation: repayment of credit.
- 72 Cancellation: return of goods.
- 73 Cancellation: goods given in part-exchange.

#### *Exclusion of certain agreements from Part V*

- 74 Exclusion of certain agreements from Part V.

### **PART VA**

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- 74A Information to be provided on a current account agreement
- 74B Information to be provided on significant overdrawing without prior arrangement

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

- 75 Liability of creditor for breaches by supplier.
- 75A Further provision for liability of creditor for breaches by supplier
- 76 Duty to give notice before taking certain action.
- 77 Duty to give information to debtor under fixed-sum credit agreement.
- 77A Statements to be provided in relation to fixed-sum credit agreements
- 77B Fixed-sum credit agreement: statement of account to be provided on request
- 78 Duty to give information to debtor under running-account credit agreement.
- 78A Duty to give information to debtor on change of rate of interest

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- 79 Duty to give hirer information.
- 80 Debtor or hirer to give information about goods.
- 81 Appropriation of payments.
- 82 Variation of agreements.
- 82A Assignment of rights
- 83 Liability for misuse of credit facilities.
- 84 Misuse of credit-tokens.
- 85 Duty on issue of new credit-tokens.
- 86 Death of debtor or hirer.

#### *Information sheets*

- 86A OFT to prepare information sheets on arrears and default

#### *Sums in arrears and default sums*

- 86B Notice of sums in arrears under fixed-sum credit agreements etc.
- 86C Notice of sums in arrears under running-account credit agreements
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- 86E Notice of default sums
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#### **DEFAULT AND TERMINATION**

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- 87 Need for default notice.
- 88 Contents and effect of default notice.
- 89 Compliance with default notice.

#### *Further restriction of remedies for default*

- 90 Retaking of protected hire-purchase etc. goods.
- 91 Consequences of breach of s. 90.
- 92 Recovery of possession of goods or land.
- 93 Interest not to be increased on default.
- 93A Summary diligence not competent in Scotland.

#### *Early payment by debtor*

- 94 Right to complete payments ahead of time.
- 95 Rebate on early settlement.
- 95A Compensatory amount
- 95B Compensatory amount: green deal finance
- 96 Effect on linked transactions.
- 97 Duty to give information.
- 97A Duty to give information on partial repayment

#### *Termination of agreements*

- 98 Duty to give notice of termination (non-default cases).
- 98A Termination etc of open-end consumer credit agreements
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- 100 Liability of debtor on termination of hire-purchase etc. agreement.
- 101 Right to terminate hire agreement.

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- 102 Agency for receiving notice of rescission.
- 103 Termination statements.
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- 105 Form and content of securities.
- 106 Ineffective securities.
- 107 Duty to give information to surety under fixed-sum credit agreement.
- 108 Duty to give information to surety under running-account credit agreement.
- 109 Duty to give information to surety under consumer hire agreement.
- 110 Duty to give information to debtor or hirer.
- 111 Duty to give surety copy of default etc. notice.
- 112 Realisation of securities.
- 113 Act not to be evaded by use of security.

#### *Pledges*

- 114 Pawn-receipts.
- 115 Penalty for failure to supply copies of pledge agreement, etc.
- 116 Redemption period.
- 117 Redemption procedure.
- 118 Loss etc. of pawn-receipt.
- 119 Unreasonable refusal to deliver pawn.
- 120 Consequence of failure to redeem.
- 121 Realisation of pawn.
- 122 Order in Scotland to deliver pawn.

#### *Negotiable instruments*

- 123 Restrictions on taking and negotiating instruments.
- 124 Consequences of breach of s. 123.
- 125 Holders in due course.

#### *Land mortgages*

- 126 Enforcement of land mortgages.

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#### *Enforcement of certain regulated agreements and securities*

- 127 Enforcement orders in cases of infringement.
- 128 Enforcement orders on death of debtor or hirer.

#### *Extension of time*

- 129 Time orders.
- 129A Debtor or hirer to give notice of intent etc. to creditor or owner
- 130 Supplemental provisions about time orders.

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### *Interest*

130A Interest payable on judgment debts etc.

#### *Protection of property pending proceedings*

131 Protection orders.

#### *Hire and hire-purchase etc. agreements*

132 Financial relief for hirer.

133 Hire-purchase etc. agreements: special powers of court.

134 Evidence of adverse detention in hire-purchase etc. cases.

#### *Supplemental provisions as to orders*

135 Power to impose conditions, or suspend operation of order.

136 Power to vary agreements and securities.

#### *Extortionate credit bargains*

137 Extortionate credit bargains.

138 When bargains are extortionate.

139 Reopening of extortionate agreements.

140 Interpretation of sections 137 to 139.

#### *Unfair relationships*

140A Unfair relationships between creditors and debtors

140B Powers of court in relation to unfair relationships

140C Interpretation of ss. 140A and 140B

140D Advice and information

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141 Jurisdiction and parties.

142 Power to declare rights of parties.

#### *Northern Ireland*

143 Jurisdiction of county court in Northern Ireland.

144 Appeal from county court in Northern Ireland.

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#### *Definitions*

145 Types of ancillary credit business.

146 Exceptions from section 145.

#### *Licensing*

147 Application of Part III.

148 Agreement for services of unlicensed trader.

149 Regulated agreements made on introductions by unlicensed credit-broker.

150 Appeals to Secretary of State against licensing decisions.

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### *Seeking business*

- 151 Advertisements.
- 152 Application of sections 52 to 54 to credit brokerage etc.
- 153 Definition of canvassing off trade premises (agreements for ancillary credit services).
- 154 Prohibition of canvassing certain ancillary credit services off trade premises.
- 155 Right to recover brokerage fees.

### *Entry into agreements*

- 156 Entry into agreements.

### *Credit reference agencies*

- 157 Duty to disclose name etc. of agency.
- 158 Duty of agency to disclose filed information.
- 159 Correction of wrong information.
- 160 Alternative procedure for business consumers.
- 160A Credit intermediaries

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### **ENFORCEMENT OF ACT**

- 161 Enforcement authorities.
- 162 Powers of entry and inspection.
- 163 Compensation for loss.
- 164 Power to make test purchases etc.
- 165 Obstruction of authorised officers.
- 166 Notification of convictions and judgments to OFT.
- 167 Penalties.
- 168 Defences.
- 169 Offences by bodies corporate.
- 170 No further sanctions for breach of Act.
- 171 Onus of proof in various proceedings.
- 172 Statements by creditor or owner to be binding.
- 173 Contracting-out forbidden.

## **PART XII**

### **SUPPLEMENTAL**

- 174 Restrictions on disclosure of information.
- 174A Powers to require provision of information or documents etc.
- 175 Duty of persons deemed to be agents.
- 176 Service of documents.
- 176A Electronic transmission of documents
- 177 Saving for registered charges.
- 178 Local Acts.

### *Regulations, orders, etc.*

- 179 Power to prescribe form etc. of secondary documents.
- 180 Power to prescribe form etc. of copies.
- 181 Power to alter monetary limits etc.



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- 182 Regulations and orders.
- 183 Determinations etc. by OFT.

#### *Interpretation*

- 184 Associates.
- 185 Agreement with more than one debtor or hirer.
- 186 Agreement with more than one creditor or owner.
- 187 Arrangements between creditor and supplier.
- 187A Definition of ‘default sum’
- 188 Examples of use of new terminology.
- 189 Definitions.
- 189A Meaning of “consumer credit EEA firm ”
- 190 Financial provisions.
- 191 Special provisions as to Northern Ireland.
- 192 Transitional and commencement provisions, amendments and repeals.
- 193 Short title and extent.

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### SCHEDULES

#### SCHEDULE A1 — The Consumer Credit Appeals Tribunal

##### Part 1 — INTERPRETATION

- 1 In this Schedule— “the Deputy President” means the Deputy President...

##### Part 2 — THE TRIBUNAL

#### *The President and the Deputy President*

- 2 (1) The Lord Chancellor shall appoint one of the members...

#### *Panels*

- 3 (1) The Lord Chancellor shall appoint a panel of persons...

#### *Terms of office etc.*

- 4 (1) Each member of the panel of chairmen or the...

#### *Remuneration and allowances*

- 5 The Lord Chancellor may pay to a person in respect...

#### *Staff and costs*

- 6 (1) The Lord Chancellor may appoint such staff for the...

##### Part 3 — CONSTITUTION OF THE TRIBUNAL

- 7 (1) On an appeal to the Tribunal, the persons to...

##### Part 4 — TRIBUNAL POWERS AND PROCEDURE

#### *Sittings*

- 8 The Tribunal shall sit at such times and in such...

#### *Evidence*

- 9 (1) Subject to sub-paragraph (2), the Tribunal may, on an...

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*Rules on procedure*

10 Rules may include, amongst other things, provision—

*Council on Tribunals*

11 A member of the Council on Tribunals or of its...

*Disposal of appeals*

12 (1) The Tribunal shall decide an appeal by reference to...

*Decisions of the Tribunal*

13 (1) A decision of the Tribunal may be taken by...

*Costs*

14 (1) Where the Tribunal disposes of an appeal and—

15 Where— (a) the Tribunal disposes of an appeal or an...

16 An order of the Tribunal under paragraph 14 or 15...

SCHEDULE 1 — Prosecution and Punishment of Offences

SCHEDULE 2 — Examples of Use of New Terminology

Part I — LISTS OF TERMS

Part II

SCHEDULE 3 — Transitional and Commencement Provisions

Part II of Act — CREDIT AGREEMENTS, HIRE AGREEMENTS AND LINKED  
TRANSACTIONS

*Regulated agreements*

1 (1) An agreement made before 1st April 1977 is not a...

*Linked transactions*

2 A transaction may be a linked transaction in relation to...

3 Section 19(3) applies only to transactions entered into on or...

*Total charge for credit*

4 Section 20 applies to consumer credit agreements whenever made.

Part III of Act — LICENSING OF CREDIT AND HIRE BUSINESSES

*Businesses needing a licence*

5 (1) Section 21 does not apply to the carrying on...

*The register*

6 Sections 35 and 36 come into operation on 2nd February...

*Enforcement of agreements made by unlicensed trader*

7 Section 40 does not apply to a regulated agreement made...

Part IV of Act — SEEKING BUSINESS

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### *Advertisements*

- 8 Part IV does not apply to any advertisement published before...

### *Canvassing*

- 9 Section 49 comes into operation on 1st October 1977.

### *Circulars to minors*

- 10 Section 50 comes into operation on 1st July 1977.

### *Unsolicited credit-tokens*

- 11 (1) Section 51(1) does not apply to the giving of...  
Part V of Act — ENTRY INTO CREDIT OR HIRE AGREEMENTS

### *Antecedent negotiations*

- 12 (1) Section 56 applies to negotiations in relation to an...

### *General*

- 13 Sections 57 to 59, 61 to 65 and 67 to...  
14 Section 66 comes into operation on 19th May 1985.  
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 1st July 1977 but...

### *Duty to give notice*

- 16 (1) Section 76 comes into operation on 19th May 1985....

### *Duty to give information*

- 17 (1) Sections 77 to 80 come into operation on 19th...

### *Appropriation of payments*

- 18 Section 81 comes into operation on 19th May 1985.

### *Variation of agreements*

- 19 Section 82 comes into operation on 1st April 1977.

### *Misuse of credit facilities*

- 20 (1) Sections 83 and 84 come into operation on 19th...

### *Duty on issue of new credit-tokens*

- 21 (1) Section 85 comes into operation on 19th May 1985....

### *Death of debtor or hirer*

- 22 (1) Section 86 comes into operation on 19th May 1985....  
Part VII of Act — DEFAULT AND TERMINATION

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### *Default notices*

23 Sections 87 to 89 come into operation on 19th May...

### *Retaking of goods and land*

24 Sections 90 and 91 come into operation on 19th May...

25 Section 92 comes into operation on 19th May 1985.

### *Interest on default*

26 Section 93 comes into operation on 19th May 1985.

### *Early payment by debtor*

27 Sections 94 to 97 come into operation on 19th May...

### *Termination of agreements*

28 Section 98 comes into operation on 19th May 1985.

29 Section 99 comes into operation on 19th May 1985.

30 Section 100 comes into operation on 19th May 1985.

31 Section 101 comes into operation on 19th May 1985.

32 Section 102 comes into operation on 19th May 1985.

33 Section 103 comes into operation on 19th May 1985.

34 Section 104 comes into operation on 19th May 1985.

### *Old agreements*

35 Part VII (except sections 90, 91, 93 and 99 to...

Part VIII of Act — SECURITY

### *General*

36 Section 105 comes into operation on 19th May 1985.

37 (1) Sections 107 to 110 come into operation on 19th...

38 (1) Section 111 comes into operation on 19th May 1985....

### *Pledges*

39 Sections 114 to 122 come into operation on 19th May...

### *Negotiable instruments*

40 Sections 123 to 125 come into operation on 19th May...

### *Land mortgages*

41 Section 126 comes into operation on 19th May 1985.

Part IX of Act — JUDICIAL CONTROL

42 Sections 137 to 140 (extortionate credit bargains) come into operation...

43 Subject to paragraph 42, Part IX comes into operation on...

Part X of Act — ANCILLARY CREDIT BUSINESSES

### *Licensing*

44 (1) Section 21(1) does not apply (by virtue of section...

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*Enforcement of agreements made by unlicensed trader*

45 Section 148(1) does not apply to an agreement made in...

*Introductions by unlicensed credit-broker*

46 Section 149 does not apply to a regulated agreement made...

*Advertisements*

47 Subsections (1) and (2) of section 151 do not apply...

*Credit reference agencies*

48 Sections 157 and 158 do not apply to a request...  
Part XII of Act — SUPPLEMENTAL

*Interpretation*

49 (1) In the case of an agreement—  
50 In section 189, the definition of “local authority ” shall...

SCHEDULE 4. — MINOR AND CONSEQUENTIAL AMENDMENTS  
PART I — UNITED KINGDOM

*Bills of Sale Act (1878) Amendment Act 1882*

1 The following section shall be inserted after section 7 Default...

*Factors Act 1889*

2 At the end of section 9 insert For the purposes...  
3, 4 .....

*Law of Distress Amendment Act 1908*

5 The following section shall be inserted after section 4— Hire...

*Bankruptcy Act 1914*

6 The following section shall be inserted after section 38— Hire...

*Compensation (Defence) Act 1939*

7 In section 13 after “hire-purchase agreement ” insert “or a...  
8 In section 17(1)— (1) After the definition of “aircraft ”...

*Liability for War Damage (Miscellaneous Provisions) Act 1939*

9 In section 1(3), for paragraphs (a) and (b) substitute—  
10 .....

*Rag Flock and Other Filing Materials Act 1951*

11 .....

*Reserve and Auxiliary Forces (Protection of Civil Interest) Act 1951*

12 In section 4 for subsections (4), (5) and (6), substitute—...

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- 13 For section 10 substitute— Property in goods subject to hire-purchase...
- 14 In section 64(I)— (1) after the definition of “compulsory national...

*Clean Air Act 1956*

- 15 .....
- 16 .....

*Restrictive Trade Practices Act 1956*

- 17 For section 26(3) substitute— (3) In this Part of this...

*Housing Act 1957*

- 18 For section 94 substitute— Power to provide furniture. A local authority may fit out, furnish and supply any...

*County Courts Act 1959*

- 19 .....
- 20, 21 .....

*Hire Purchase Act 1964*

- 22 For Part III substitute the following (which reproduces the existing...

*Emergency Laws (Re-enactment and Repeals) Act 1964*

- 23 In section 1— (1) In subsection (1) for “or credit-sale...

*Trading Stamps Act 1964*

- 24 In section 2, for subsection (1) substitute— No person shall after the coming into force of this...
- 25 In section 3, for subsection (4) substitute—
- 26 In section 10(1)— (1) after the definition of “cash value...

*Housing (Scotland) Act 1966*

- 27 .....

*Trade Descriptions Act 1968*

- 28 In section 28, insert the following new subsection after subsection...
- 29 .....

*Administration of Justice Act 1970*

- 30 After section 38 insert the following new section— This Part of this Act shall not apply to a...
- 31 In section 54(6)(c) after “36 ” insert “38A ”.

*Vehicles (Excise) Act 1971*

- 32 .....
- 33 .....

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*Counter-Inflation Act 1973*

34 In section 21(5)— (a) for “total purchase price or hire-purchase...

*Supply of Goods (Implied Terms) Act 1973*

35 For sections 8 to 12 substitute the following sections (which...

36 For sections 14 and 15 substitute the following sections (which...

*Fair Trading Act 1973*

37 For section 138(5) substitute— (5) In subsection (4) of this...

Part II — NORTHERN IRELAND

*Irish Bankrupt and Insolvent Act 1857*

38 .....

*Bills of Sale (Ireland) Act (1879) Amendment Act 1883*

39 The following section shall be inserted after section 7:— Defaults...

*Liability for War Damage (Miscellaneous Provisions) Act (Northern Ireland) 1939*

40 In section 1(3), for paragraph (a) and (b) substitute—

41, 42 .....

*Trading Stamps Act (Northern Ireland) 1965*

43 In section 2, for subsection (1) substitute—

44 In section 3, for subsection (4) substitute—

45 In section 9— (1) after the definition of “cash value...

46, 47 .....

48 .....

*Hire-Purchase Act (Northern Ireland) 1966*

49 For Part VI substitute the following (which reproduces the existing...

*Vehicles (Excise) Act (Northern Ireland) 1972*

50 .....

*Miscellaneous Transferred Excise Duties Act (Northern Ireland) 1972*

51 In section 1(2) for “VII ” where first occurring substitute...

Schedule 5 — Repeals

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