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Changes to legislation: Consumer Credit Act 1974, Cross Heading: Appeals is up to date with all changes known to be in force on or before 30 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)



Consumer Credit Act 1974

1974 CHAPTER 39

PART III **U.K.**

LICENSING OF CREDIT AND HIRE BUSINESSES

VALID FROM 01/12/2007

[^{F1}Appeals^{F2}]

Textual Amendments

- F1** [S. 40A](#) and preceding cross-heading inserted (1.12.2007 for specified purposes and 6.4.2008 for further specified purposes and otherwise prosp.) by [Consumer Credit Act 2006 \(c. 14\)](#), ss. {55(1)}, 71(2) (with Sch. 3 para. 25); [S.I. 2007/3300](#), [art. 3\(1\)](#){(2)}, Schs. 1, 2
- F2** [S. 41A](#) inserted (1.12.2007 for specified purposes and otherwise 6.4.2008) by [Consumer Credit Act 2006 \(c. 14\)](#), ss. [57](#), 71(2); [S.I. 2007/3300](#), [art. 3\(1\)](#), 3(2), Sch. 1, Sch. 2

[^{F1}40A **The Consumer Credit Appeals Tribunal** **U.K.**

- (1) There shall be a tribunal known as the Consumer Credit Appeals Tribunal ('the Tribunal').
- (2) The Tribunal shall have the functions conferred on it by or under this Part.
- (3) The Lord Chancellor may by rules make such provision as he thinks fit for regulating the conduct and disposal of appeals before the Tribunal.
- (4) Schedule A1 (which makes provision about the Tribunal and proceedings before it) shall have effect.
- (5) But that Schedule does not limit the Lord Chancellor's powers under subsection (3).]

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Modifications etc. (not altering text)

- C1** S. 40A applied (15.12.2007) by [The Money Laundering Regulations 2007 \(S.I. 2007/2157\)](#), [reg. 44\(5\)](#)

VALID FROM 01/09/2009

[^{F3}41ZA Tribunal Procedure Rules: suspension of OFT determinations **U.K.**

In the case of appeals to the First-tier Tribunal under section 41, Tribunal Procedure Rules may make provision for the suspension of determinations of the OFT.

Textual Amendments

- F3** Ss. 41ZA, 41ZB inserted (1.9.2009) by [The Transfer of Functions of the Consumer Credit Appeals Tribunal Order 2009 \(S.I. 2009/1835\)](#), arts. 1, 4(1), [Sch. 1 para. 5](#) (with Sch. 4)

VALID FROM 01/09/2009

41ZB Disposal of appeals **U.K.**

- (1) The First-tier Tribunal shall decide an appeal under section 41 by way of a rehearing of the determination appealed against.
- (2) In disposing of an appeal under section 41 the First-tier Tribunal may do one or more of the following—
 - (a) confirm the determination appealed against;
 - (b) quash that determination;
 - (c) vary that determination;
 - (d) remit the matter to the OFT for reconsideration and determination in accordance with the directions (if any) given to it by the tribunal;
 - (e) give the OFT directions for the purpose of giving effect to its decision.
- (3) In the case of an appeal under section 41 against a determination to impose a penalty, the First-tier Tribunal—
 - (a) has no power by virtue of subsection (2)(c) to increase the penalty;
 - (b) may extend the period within which the penalty is to be paid (including in cases where that period has already ended).
- (4) Subsection (3) does not affect—
 - (a) the tribunal's power to give directions to the OFT under subsection (2)(d); or
 - (b) what the OFT can do where a matter is remitted to it under subsection (2)(d).

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- (5) Where the First-tier Tribunal remits a matter to the OFT, it may direct that the requirements of section 34 of this Act are not to apply, or are only to apply to a specified extent, in relation to the OFT's reconsideration of the matter.
- (6) Subject to subsections (7) and (8), where the First-tier Tribunal remits an application to the OFT, section 6(1) and (3) to (9) of this Act shall apply as if the application had not been previously determined by the OFT.
- (7) In the case of a general notice which came into effect after the determination appealed against was made but before the application was remitted, the applicant shall provide any information or document which he is required to provide under section 6(6) within—
 - (a) the period of 28 days beginning with the day on which the application was remitted; or
 - (b) such longer period as the OFT may allow.
- (8) In the case of—
 - (a) any information or document which was superseded,
 - (b) any change in circumstances which occurred, or
 - (c) any error or omission of which the applicant became aware,after the determination appealed against was made but before the application was remitted, any notification that is required to be given by the applicant under section 6(7) shall be given within the period of 28 days beginning with the day on which the application was remitted.]

Textual Amendments

- F3** Ss. 41ZA, 41ZB inserted (1.9.2009) by [The Transfer of Functions of the Consumer Credit Appeals Tribunal Order 2009 \(S.I. 2009/1835\)](#), arts. 1, 4(1), [Sch. 1 para. 5](#) (with Sch. 4)

[^{F2}41A Appeals from the Consumer Credit Appeals Tribunal **U.K.**

- (1) A party to an appeal to the Tribunal may with leave appeal—
 - (a) in England and Wales and Northern Ireland, to the Court of Appeal, or
 - (b) in Scotland, to the Court of Session,on a point of law arising from a decision of the Tribunal.
- (2) For the purposes of subsection (1) leave to appeal may be given by—
 - (a) the Tribunal; or
 - (b) the Court of Appeal or the Court of Session.
- (3) An application for leave to appeal may be made to the Court of Appeal or the Court of Session only if the Tribunal has refused such leave.
- (4) If on an appeal under this section the court considers that the decision of the Tribunal was wrong in law, it may do one or more of the following—
 - (a) quash or vary that decision;
 - (b) substitute for that decision a decision of its own;
 - (c) remit the matter to the Tribunal for rehearing and determination in accordance with the directions (if any) given to it by the court.

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- (5) An appeal may be brought from a decision of the Court of Appeal under this section only if leave to do so is given by the Court of Appeal or the House of Lords.
- (6) Rules under section 40A(3) may make provision for regulating or prescribing any matters incidental to or consequential on an appeal under this section.
- (7) In this section ‘party’ means, in relation to an appeal to the Tribunal, the appellant or the OFT.]

Modifications etc. (not altering text)

- C2** [S. 41A](#) applied (15.12.2007) by [The Money Laundering Regulations 2007 \(S.I. 2007/2157\)](#), [reg. 44\(5\)](#)

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