



# Consumer Credit Act 1974

## 1974 CHAPTER 39

### PART IX

#### JUDICIAL CONTROL

#### *[<sup>F1</sup>Unfair relationships*

#### **[<sup>F1</sup>140A Unfair relationships between creditors and debtors**

- (1) The court may make an order under section 140B in connection with a credit agreement if it determines that the relationship between the creditor and the debtor arising out of the agreement (or the agreement taken with any related agreement) is unfair to the debtor because of one or more of the following—
  - (a) any of the terms of the agreement or of any related agreement;
  - (b) the way in which the creditor has exercised or enforced any of his rights under the agreement or any related agreement;
  - (c) any other thing done (or not done) by, or on behalf of, the creditor (either before or after the making of the agreement or any related agreement).
- (2) In deciding whether to make a determination under this section the court shall have regard to all matters it thinks relevant (including matters relating to the creditor and matters relating to the debtor).
- (3) For the purposes of this section the court shall (except to the extent that it is not appropriate to do so) treat anything done (or not done) by, or on behalf of, or in relation to, an associate or a former associate of the creditor as if done (or not done) by, or on behalf of, or in relation to, the creditor.
- (4) A determination may be made under this section in relation to a relationship notwithstanding that the relationship may have ended.
- (5) An order under section 140B shall not be made in connection with a credit agreement which is an exempt agreement [<sup>F2</sup>for the purposes of Chapter 14A of Part 2 of

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*Changes to legislation: Consumer Credit Act 1974, Section 140A is up to date with all changes known to be in force on or before 11 April 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) View outstanding changes*

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the Regulated Activities Order by virtue of article 60C(2) of that Order (regulated mortgage contracts and regulated home purchase plans)] .]

[<sup>F3</sup>(6) An order under section 140B shall not be made in connection with a credit agreement entered into under the Bounce Back Loan Scheme.

(7) In subsection (6) “the Bounce Back Loan Scheme” means the scheme of that name operated from 4 May 2020 by the British Business Bank plc on behalf of the Secretary of State.]

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#### **Textual Amendments**

- F1** S. 140A and preceding cross-heading inserted (6.4.2007) by [Consumer Credit Act 2006 \(c. 14\)](#), ss. {19}, 71(2) (with Sch. 3 para. 16); [S.I. 2007/123](#), [art. 3\(2\)](#), [Sch. 2](#)
- F2** Words in s. 140A(5) substituted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), arts. 1(2)(6), [20\(39\)](#)
- F3** S. 140A(6)(7) inserted (retrospective to 4.5.2020) by [Business and Planning Act 2020 \(c. 16\)](#), [ss. 12](#), [25\(2\)\(a\)](#)
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#### **Modifications etc. (not altering text)**

- C1** Ss. 140A-140C applied (20.4.2015 for specified purposes, 21.12.2015 for specified purposes, 21.3.2016 in so far as not already in force) by [The Mortgage Credit Directive Order 2015 \(S.I. 2015/910\)](#), arts. 1(5), [29\(12\)](#) (with Pt. 4)

**Changes to legislation:**

Consumer Credit Act 1974, Section 140A is up to date with all changes known to be in force on or before 11 April 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.

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

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

- s. 25(2A)(b)(ia) inserted by [2010 c. 28 Sch. 2 para. 36](#)