



# Consumer Credit Act 1974

## 1974 CHAPTER 39

### PART IX

#### JUDICIAL CONTROL

##### *Miscellaneous*

#### **142 Power to declare rights of parties**

- (1) Where under any provision of this Act a thing can be done by a creditor or owner on an enforcement order only, and either—
- (a) the court dismisses (except on technical grounds only) an application for an enforcement order, or
  - (b) where no such application has been made or such an application has been dismissed on technical grounds only, an interested party applies to the court for a declaration under this subsection,

the court may if it thinks just make a declaration that the creditor or owner is not entitled to do that thing, and thereafter no application for an enforcement order in respect of it shall be entertained.

- (2) Where—
- (a) a regulated agreement or linked transaction is cancelled under section 69(1), or becomes subject to section 69(2), or
  - (b) a regulated agreement is terminated under section 91,
- and an interested party applies to the court for a declaration under this subsection, the court may make a declaration to that effect.