



Consumer Credit Act 1974

1974 CHAPTER 39

PART X

ANCILLARY CREDIT BUSINESSES

Seeking business

155 Right to recover brokerage fees.

- (1) [^{F1}Subject to subsection (2A),]the excess over [^{F2}£5] of a fee or commission for his services charged by a credit-broker to an individual to whom this subsection applies shall cease to be payable or, as the case may be, shall be recoverable by the individual if the introduction does not result in his entering into a relevant agreement within the six months following the introduction (disregarding any agreement which is cancelled under section 69(1) or becomes subject to section 69(2)).
- (2) Subsection (1) applies to an individual who sought an introduction for a purpose which would have been fulfilled by his entry into—
 - (a) a regulated agreement, or
 - (b) in the case of an individual [^{F3}desiring to obtain credit to finance the acquisition or provision of a dwelling occupied or to be occupied by that individual or a relative of that individual], an agreement for credit secured on land,
 - [^{F4}(c) a credit agreement which is an exempt agreement for the purposes of Chapter 14A of Part 2 of the Regulated Activities Order, or
 - (d) an agreement which is not a regulated credit agreement or a regulated consumer hire agreement but which would be such an agreement if the law applicable to the agreement were the law of a part of the United Kingdom.]

[^{F5}(2A) But subsection (1) does not apply where—

- (a) the fee or commission relates to the effecting of an introduction of a kind mentioned in [^{F6}article 36E of the Regulated Activities Order (activities in relation to certain agreements relating to land)]; and

Status: Point in time view as at 31/12/2020.

Changes to legislation: Consumer Credit Act 1974, Section 155 is up to date with all changes known to be in force on or before 09 July 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)

- (b) the person charging that fee or commission is an authorised person or an appointed representative, within the meaning of the Financial Services and Markets Act 2000.]
- (3) An agreement is a relevant agreement for the purposes of subsection (1) in relation to an individual if it is an agreement such as is referred to in subsection (2) in relation to that individual.
- (4) In the case of an individual desiring to obtain credit under a consumer credit agreement, any sum payable or paid by him to a credit-broker otherwise than as a fee or commission for the credit-broker's services shall for the purposes of subsection (1) be treated as such a fee or commission if it enters, or would enter, into the total charge for credit.

Textual Amendments

- F1** Words in s. 155(1) inserted (31.10.2004) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No. 1\) Order 2003](#) (S.I. 2003/1475), arts. 1(3), **22(2)**
- F2** "£5" substituted (1.5.1998) in s. 155(1) by [S.I. 1998/997](#), art. 3, **Sch.**
- F3** Words in s. 155(2)(b) 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(43)(a)(i)**
- F4** S. 155(2)(c)(d) substituted for s. 155(2)(c) (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(43)(a)(ii)**
- F5** S. 155(2A) inserted (31.10.2004) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No. 1\) Order 2003](#) (S.I. 2003/1475), arts. 1(3), **22(3)**
- F6** Words in s. 155(2A)(a) 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(43)(b)**

Status:

Point in time view as at 31/12/2020.

Changes to legislation:

Consumer Credit Act 1974, Section 155 is up to date with all changes known to be in force on or before 09 July 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.