



Consumer Credit Act 1974

1974 CHAPTER 39

PART X

ANCILLARY CREDIT BUSINESSES

Credit reference agencies

160 Alternative procedure for business consumers.

- (1) The [F¹FCA] , on an application made by a credit reference agency, may direct that this section shall apply to the agency if [F²it] is satisfied—
 - (a) that compliance with section 158 in the case of consumers who carry on a business would adversely affect the service provided to its customers by the agency, and
 - (b) that, having regard to the methods employed by the agency and to any other relevant factors, it is probable that consumers carrying on a business would not be prejudiced by the making of the direction.
- (2) Where an agency to which this section applies receives a request, particulars and a fee under section 158(1) from a consumer who carries on a business, and section 158(3) does not apply, the agency, instead of complying with section 158, may elect to deal with the matter under the following subsections.
- (3) Instead of giving the consumer a copy of the file, the agency shall within the prescribed period give notice to the consumer that it is proceeding under this section, and by notice give the consumer such information included in or based on entries in the file as the [F¹FCA] may direct, together with a statement in the prescribed form of the consumer's rights under subsections (4) and (5).
- (4) If within 28 days after receiving the information given [F³to the consumer] under subsection (3), or such longer period as the [F¹FCA] may allow, the consumer—
 - (a) gives notice to the [F¹FCA] that [F⁴the consumer] is dissatisfied with the information, and

Status: Point in time view as at 01/04/2014. This version of this provision has been superseded.

Changes to legislation: Consumer Credit Act 1974, Section 160 is up to date with all changes known to be in force on or before 06 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) satisfies the [F1FCA] that [F4the consumer] has taken such steps in relation to the agency as may be reasonable with a view to removing the cause of [F4the consumer's] dissatisfaction, and
- (c) pays the [F1FCA][F5the prescribed fee],
- the [F1FCA] may direct the agency to give the [F1FCA] a copy of the file, and the [F1FCA] may disclose to the consumer such of the information on the file as the [F1FCA] thinks fit.
- (5) Section 159 applies with any necessary modifications to information given to the consumer under this section as it applies to information given under section 158.
- (6) If an agency making an election under subsection (2) fails to comply with subsection (3) or (4) it commits an offence.
- [F6(7) In this section “consumer ” has the same meaning as in section 158.]

Textual Amendments

- F1** Word in s. 160 substituted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by [The Financial Services Act 2012 \(Consumer Credit\) Order 2013 \(S.I. 2013/1882\)](#), arts. 1(1), **7(12)**
- F2** Word in s. 160(1) substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), ss. 278, 279, **Sch. 25 para. 6(31)(b)**; S.I. 2003/766, **art. 2**, Sch. (with art. 3)
- F3** Words in s. 160(4) substituted (1.3.2000) by 1998 c. 29, **s. 62(5)(a)(i)**; S.I. 2000/183, **art. 2** (with art. 2(2))
- F4** Words in s. 160(4)(a)(b) substituted (1.3.2000) by 1998 c. 29, **s. 62(5)(a)(ii)**; S.I. 2000/183, **art. 2** (with art. 2(2))
- F5** Words in s. 160(4)(c) 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(46)**
- F6** S. 160(7) inserted (1.3.2000) by 1998 c. 29, **s. 62(5)(b)**; S.I. 2000/183, **art. 2** (with art. 2(2))

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