



# Consumer Credit Act 1974

## 1974 CHAPTER 39

### PART VI

#### MATTERS ARISING DURING CURRENCY OF CREDIT OR HIRE AGREEMENTS

#### **[<sup>F1</sup>75A Further provision for liability of creditor for breaches by supplier**

- (1) If the debtor under a linked credit agreement has a claim against the supplier in respect of a breach of contract the debtor may pursue that claim against the creditor where any of the conditions in subsection (2) are met.
- (2) The conditions in subsection (1) are—
  - (a) that the supplier cannot be traced,
  - (b) that the debtor has contacted the supplier but the supplier has not responded,
  - (c) that the supplier is insolvent, or
  - (d) that the debtor has taken reasonable steps to pursue his claim against the supplier but has not obtained satisfaction for his claim.
- (3) The steps referred to in subsection (2)(d) need not include litigation.
- (4) For the purposes of subsection (2)(d) a debtor is to be deemed to have obtained satisfaction where he has accepted a replacement product or service or other compensation from the supplier in settlement of his claim.
- (5) In this section “linked credit agreement” means a regulated consumer credit agreement which serves exclusively to finance an agreement for the supply of specific goods or the provision of a specific service and where—
  - (a) the creditor uses the services of the supplier in connection with the preparation or making of the credit agreement, or
  - (b) the specific goods or provision of a specific service are explicitly specified in the credit agreement.
- (6) This section does not apply where—
  - (a) the cash value of the goods or service is £30, 000 or less,

*Status: Point in time view as at 20/04/2015. This version of this provision has been superseded.*

*Changes to legislation: Consumer Credit Act 1974, Section 75A is up to date with all changes known to be in force on or before 03 June 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 linked credit agreement is for credit which exceeds £60,260 [<sup>F2</sup>and is not a residential renovation agreement], or
- (c) the linked credit agreement is entered into by the debtor wholly or predominantly for the purposes of a business carried on, or intended to be carried on, by him.

[<sup>F3</sup>(7) Article 60C(5) and (6) of the Regulated Activities Order applies for the purposes of subsection (6)(c).]

(8) This section does not apply to an agreement secured on land.]

#### Textual Amendments

- F1** S. 75A inserted (1.2.2011) by [The Consumer Credit \(EU Directive\) Regulations 2010 \(S.I. 2010/1010\)](#), [regs. 25, 99\(1\)](#) (with [regs. 100, 101](#)) (as inserted by [The Consumer Credit \(Amendment\) Regulations 2010 \(S.I. 2010/1969\)](#), [reg. 11](#))
- F2** Words in s. 75A(6)(b) inserted (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 \(S.I. 2015/910\)](#), [art. 1\(5\)](#), [Sch. 1 para. 2\(7\)](#) (with Pt. 4)
- F3** S. 75A(7) 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\(28\)](#)

#### Modifications etc. (not altering text)

- C1** S. 75A excluded (E.W.S.) (15.7.2014) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Green Deal\) \(Amendment\) Order 2014 \(S.I. 2014/1850\)](#), [arts. 1\(2\)](#), [12\(2\)](#) (with [art. 1\(3\)](#))

**Status:**

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