

*Status: Point in time view as at 31/01/2007.*

*Changes to legislation: There are currently no known outstanding effects for the Consumer Credit Act 2006. (See end of Document for details)*

## SCHEDULES

VALID FROM 01/12/2007

### SCHEDULE 1

Section 55

#### SCHEDULE A1 TO THE 1974 ACT

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### SCHEDULE 2

Section 59

#### PART 3A OF SCHEDULE 17 TO THE 2000 ACT

#### Commencement Information

**II** Sch. 2 in force at 16.6.2006 by S.I. 2006/1508, art. 3(1), Sch. 1

### “PART 3A

#### THE CONSUMER CREDIT JURISDICTION

##### *Introduction*

16A This Part of this Schedule applies only in relation to the consumer credit jurisdiction.

##### *Procedure for complaints etc.*

16B (1) Consumer credit rules—

- (a) must provide that a complaint is not to be entertained unless the complainant has referred it under the ombudsman scheme before the applicable time limit (determined in accordance with the rules) has expired;
- (b) may provide that an ombudsman may extend that time limit in specified circumstances;
- (c) may provide that a complaint is not to be entertained (except in specified circumstances) if the complainant has not previously communicated its substance to the respondent and given him a reasonable opportunity to deal with it;
- (d) may make provision about the procedure for the reference of complaints and for their investigation, consideration and determination by an ombudsman.

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- (2) Sub-paragraphs (2) and (3) of paragraph 14 apply in relation to consumer credit rules under sub-paragraph (1) of this paragraph as they apply in relation to scheme rules under that paragraph.
- (3) Consumer credit rules may require persons falling within sub-paragraph (6) to establish such procedures as the scheme operator considers appropriate for the resolution of complaints which may be referred to the scheme.
- (4) Consumer credit rules under sub-paragraph (3) may make different provision in relation to persons of different descriptions or to complaints of different descriptions.
- (5) Consumer credit rules under sub-paragraph (3) may authorise the scheme operator to dispense with or modify the application of such rules in particular cases where the scheme operator—
  - (a) considers it appropriate to do so; and
  - (b) is satisfied that the specified conditions (if any) are met.
- (6) A person falls within this sub-paragraph if he is licensed by a standard licence (within the meaning of the Consumer Credit Act 1974) to carry on to any extent a business of a type specified in an order under section 226A(2)(e) of this Act.

#### *Fees*

- 16C (1) Consumer credit rules may require a respondent to pay to the scheme operator such fees as may be specified in the rules.
- (2) Sub-paragraph (2) of paragraph 15 applies in relation to consumer credit rules under this paragraph as it applies in relation to scheme rules under that paragraph.

#### *Enforcement of money awards*

- 16D A money award, including interest, which has been registered in accordance with consumer credit rules may—
- (a) if a county court so orders in England and Wales, be recovered by execution issued from the county court (or otherwise) as if it were payable under an order of that court;
  - (b) be enforced in Northern Ireland as a money judgment under the Judgments Enforcement (Northern Ireland) Order 1981;
  - (c) be enforced in Scotland as if it were a decree of the sheriff and whether or not the sheriff could himself have granted such a decree.

#### *Procedure for consumer credit rules*

- 16E (1) If the scheme operator makes any consumer credit rules, it must give a copy of them to the Authority without delay.
- (2) If the scheme operator revokes any such rules, it must give written notice to the Authority without delay.
  - (3) The power to make such rules is exercisable in writing.
  - (4) Immediately after the making of such rules, the scheme operator must arrange for them to be printed and made available to the public.

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- (5) The scheme operator may charge a reasonable fee for providing a person with a copy of any such rules.

*Verification of consumer credit rules*

- 16F (1) The production of a printed copy of consumer credit rules purporting to be made by the scheme operator—
- (a) on which there is endorsed a certificate signed by a member of the scheme operator's staff authorised by the scheme operator for that purpose, and
  - (b) which contains the required statements,
- is evidence (or in Scotland sufficient evidence) of the facts stated in the certificate.
- (2) The required statements are—
- (a) that the rules were made by the scheme operator;
  - (b) that the copy is a true copy of the rules; and
  - (c) that on a specified date the rules were made available to the public in accordance with paragraph 16E(4).
- (3) A certificate purporting to be signed as mentioned in sub-paragraph (1) is to be taken to have been duly signed unless the contrary is shown.

*Consultation*

- 16G (1) If the scheme operator proposes to make consumer credit rules, it must publish a draft of the proposed rules in the way appearing to it to be best calculated to bring the draft to the attention of the public.
- (2) The draft must be accompanied by—
- (a) an explanation of the proposed rules; and
  - (b) a statement that representations about the proposals may be made to the scheme operator within a specified time.
- (3) Before making any consumer credit rules, the scheme operator must have regard to any representations made to it in accordance with sub-paragraph (2)(b).
- (4) If consumer credit rules made by the scheme operator differ from the draft published under sub-paragraph (1) in a way which the scheme operator considers significant, the scheme operator must publish a statement of the difference.”

SCHEDULE 3

Section 69

TRANSITIONAL PROVISION AND SAVINGS

*Interpretation*

- 1 (1) Expressions used in the 1974 Act have the same meaning in this Schedule (apart from paragraphs 14 to 16 and 26) as they have in that Act.
- (2) For the purposes of this Schedule an agreement becomes a completed agreement once—
- (a) there is no sum payable under the agreement; and

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- (b) there is no sum which will or may become so payable.

**Commencement Information**

**I2** Sch. 3 para. 1(1) in force at 16.6.2006 by S.I. 2006/1508, art. 3(1), Sch. 1

VALID FROM 01/10/2008

*Statements to be provided in relation to regulated agreements*

- 2 (1) Section 77A of the 1974 Act applies in relation to agreements whenever made.
- (2) Section 77A shall have effect in relation to agreements made before the commencement of section 6 of this Act as if the period mentioned in subsection (1) (a) were the period of one year beginning with the day of the commencement of section 6.
- 3 Regulations made under section 78(4A) of the 1974 Act may apply in relation to agreements regardless of when they were made.
- 4 (1) Section 7(3) of this Act shall have effect in relation to agreements whenever made.
- (2) A dispensing notice given under section 185(2) of the 1974 Act which is operative immediately before the commencement of section 7(3)—
- (a) shall, on the commencement of section 7(3), be treated as having been given under section 185(2) as substituted by section 7(3); and
- (b) shall continue to be operative accordingly.

*Default under regulated agreements*

- 5 The OFT shall prepare, and give general notice of, the arrears information sheet and the default information sheet required under section 86A of the 1974 Act as soon as practicable after the commencement of section 8 of this Act.

**Commencement Information**

**I3** Sch. 3 para. 5 in force at 31.1.2007 by S.I. 2007/123, art. 3(1), Sch. 1

VALID FROM 01/10/2008

- 6 (1) Section 86B of the 1974 Act applies in relation to agreements whenever made.
- (2) In the application of section 86B in relation to an agreement made before the commencement of section 9 of this Act, the conditions under subsection (1) can be satisfied only if the two payments mentioned in paragraph (c) were not required to have been made before the commencement of section 9.
- (3) In the case of an agreement within subsection (9) of section 86B, sub-paragraph (2) has effect as if for “two” there were substituted “four”.

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- 7 (1) Section 86C of the 1974 Act applies in relation to agreements whenever made.
- (2) In the application of section 86C in relation to an agreement made before the commencement of section 10 of this Act, the conditions mentioned in subsection (1) can be satisfied only if the two payments mentioned in paragraph (b) were not required to have been made before the commencement of section 10.

VALID FROM 01/10/2008

- 8 Section 86E of the 1974 Act applies in relation to agreements whenever made but only as regards default sums which become payable after the commencement of section 12 of this Act.

VALID FROM 01/10/2008

- 9 (1) Section 86F of the 1974 Act applies in relation to agreements whenever made but only as regards default sums which become payable after the commencement of section 13 of this Act.
- (2) Where section 86F applies in relation to an agreement made before the commencement of section 13, the agreement shall have effect as if any right of the creditor or owner to recover compound interest in connection with the default sum in question at a particular rate were a right to recover simple interest in that connection at that rate.

- 10 Section 14 of this Act shall have effect in relation to any default notice served after the commencement of that section, regardless of—
- (a) when the breach of the agreement in question occurred; or
  - (b) when that agreement was made.

#### Commencement Information

**I4** Sch. 3 para. 10 in force at 1.10.2006 by S.I. 2006/1508, art. 3(2), Sch. 2

VALID FROM 06/04/2007

- 11 The repeal by this Act of—
- (a) the words “(subject to subsections (3) and (4))” in subsection (1) of section 127 of the 1974 Act,
  - (b) subsections (3) to (5) of that section, and
  - (c) the words “or 127(3)” in subsection (3) of section 185 of that Act,
- has no effect in relation to improperly-executed agreements made before the commencement of section 15 of this Act.

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VALID FROM 01/10/2008

- 12 A debtor or hirer under an agreement may make an application under section 129(1)(ba) of the 1974 Act regardless of when that agreement was made.

VALID FROM 01/10/2008

- 13 Section 130A of the 1974 Act applies in relation to agreements whenever made but only as regards sums that are required to be paid under judgments given after the commencement of section 17 of this Act.

VALID FROM 06/04/2007

*Unfair relationships*

- 14 (1) The court may make an order under section 140B of the 1974 Act in connection with a credit agreement made before the commencement of section 20 of this Act but only—
- (a) on an application of the kind mentioned in paragraph (a) of subsection (2) of section 140B made at a time after the end of the transitional period; or
  - (b) at the instance of the debtor or a surety in any proceedings of the kind mentioned in paragraph (b) or (c) of that subsection which were commenced at such a time.
- (2) But the court shall not make such an order in connection with such an agreement so made if the agreement—
- (a) became a completed agreement before the commencement of section 20; or
  - (b) becomes a completed agreement during the transitional period.
- (3) Expressions used in sections 140A to 140C of the 1974 Act have the same meaning in this paragraph as they have in those sections.
- (4) In this paragraph “the transitional period” means the period of one year beginning with the day of the commencement of section 20.
- (5) An order under section 69 of this Act may extend, or further extend, the transitional period.
- 15 (1) The repeal by this Act of sections 137 to 140 of the 1974 Act shall not affect the court's power to reopen an existing agreement under those sections as set out in this paragraph.
- (2) The court's power to reopen an existing agreement which—
- (a) became a completed agreement before the commencement of section 22(3) of this Act, or
  - (b) becomes a completed agreement during the transitional period,
- is not affected at all.
- (3) The court may also reopen an existing agreement—

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- (a) on an application of the kind mentioned in paragraph (a) of subsection (1) of section 139 made at a time before the end of the transitional period; or
  - (b) at the instance of the debtor or a surety in any proceedings of the kind mentioned in paragraph (b) or (c) of that subsection which were commenced at such a time.
- (4) Nothing in section 16A or 16B of the 1974 Act shall affect the application of sections 137 to 140 (whether by virtue of this paragraph or otherwise).
- (5) The repeal or revocation by this Act of the following provisions has no effect in relation to existing agreements so far as they may be reopened as set out in this paragraph—
- (a) section 16(7) of the 1974 Act;
  - (b) in section 143(b) of that Act, the words “, 139(1)(a)”;
  - (c) section 171(7) of that Act;
  - (d) in subsection (1) of section 181 of that Act, the words “139(5) and (7),”;
  - (e) in subsection (2) of that section, the words “or 139(5) or (7)”;
  - (f) in section 61(6) of the Bankruptcy (Scotland) Act 1985 (c. 66), the words from the beginning to “but”;
  - (g) in section 343(6) of the Insolvency Act 1986 (c. 45), the words from the beginning to “But”;
  - (h) Article 316(6) of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)).
- (6) Expressions used in sections 137 to 140 of the 1974 Act have the same meaning in this paragraph as they have in those sections.
- (7) In this paragraph—
- “existing agreement” means a credit agreement made before the commencement of section 22(3) of this Act;
  - “the transitional period” means the period of one year beginning with the day of the commencement of section 22(3).
- (8) An order under section 69 of this Act may extend, or further extend, the transitional period.
- 16 (1) It is immaterial for the purposes of section 140C(4)(a) to (c) of the 1974 Act when (as the case may be) a credit agreement or a linked transaction was made or a security was provided.
- (2) In relation to an order made under section 140B of the 1974 Act during the transitional period in connection with a credit agreement—
- (a) references in subsection (1) of that section to any related agreement shall not include references to a related agreement to which this sub-paragraph applies;
  - (b) the reference to a security in paragraph (d) of that subsection shall not include a reference to a security to which this sub-paragraph applies;
- and the order shall not under paragraph (g) of that subsection direct accounts to be taken, or (in Scotland) an accounting to be made, between any persons in relation to a related agreement to which this sub-paragraph applies.
- (3) Sub-paragraph (2) applies to a related agreement or a security if—

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- (a) it was made or provided before the commencement of section 21 of this Act; and
  - (b) it ceased to have any operation before the order under section 140B is made.
- (4) In relation to an order made under section 140B after the end of the transitional period in connection with a credit agreement—
- (a) references in subsection (1) of that section to any related agreement shall not include references to a related agreement to which this sub-paragraph applies;
  - (b) the reference to a security in paragraph (d) of that subsection shall not include a reference to a security to which this sub-paragraph applies;
- and the order shall not under paragraph (g) of that subsection direct accounts to be taken, or (in Scotland) an accounting to be made, between any persons in relation to a related agreement to which this sub-paragraph applies.
- (5) Sub-paragraph (4) applies to a related agreement or a security if—
- (a) it was made or provided before the commencement of section 21; and
  - (b) it ceased to have any operation before the end of the transitional period.
- (6) Expressions used in sections 140A to 140C of the 1974 Act have the same meanings in this paragraph as they have in those sections.
- (7) In this paragraph “the transitional period” means the period of one year beginning with the day of the commencement of section 21.
- (8) An order under section 69 of this Act may extend, or further extend, the transitional period.

PROSPECTIVE

- 17 Section 1 of this Act shall have no effect for the purposes of section 140C(1) of the 1974 Act in relation to agreements made before the commencement of section 1.

VALID FROM 01/12/2007

*Applications for licences and fitness to hold a licence etc.*

VALID FROM 06/04/2008

- 18 (1) Section 6A of the 1974 Act shall not apply in relation to applications made before the commencement of section 27 of this Act.
- (2) Section 6(2A) of the 1974 Act shall not apply in relation to applications so made.
- (3) The repeal by this Act of the words “and must be accompanied by the specified fee” in section 6(2) of the 1974 Act has no effect in relation to applications so made.



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- 19 (1) The OFT shall prepare and publish the guidance required by section 25A of the 1974 Act as soon as practicable after the commencement of section 30 of this Act.
- (2) The requirements of subsection (4) of section 25A may be satisfied in relation to the preparation of that guidance by steps taken wholly or partly before the commencement of section 30.

VALID FROM 01/12/2007

*Further powers of OFT to regulate conduct of licensees etc.*

VALID FROM 06/04/2008

- 20 The cases in which the OFT may impose requirements under section 33A of the 1974 Act include cases where the matter with which the OFT is dissatisfied arose before the commencement of section 38 of this Act.

VALID FROM 06/04/2008

- 21 The cases in which the OFT may impose requirements under section 33B of the 1974 Act include cases where the matters giving rise to the OFT's dissatisfaction arose before the commencement of section 39 of this Act.

- 22 (1) The OFT shall prepare and publish the guidance required by section 33E of the 1974 Act as soon as practicable after the commencement of section 42 of this Act.
- (2) The requirements of subsection (4) of section 33E may be satisfied in relation to the preparation of that guidance by steps taken wholly or partly before the commencement of section 42.

VALID FROM 01/12/2007

*Powers and duties in relation to information*

- 23 (1) Section 44 of this Act has no effect in relation to applications made before the commencement of that section.
- (2) Paragraph 12(6) of Schedule A1 to the 1974 Act does not apply in relation to applications so made.
- 24 A person is not required by section 36A of the 1974 Act to do anything in relation to an application made by him before the commencement of section 45 of this Act.

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*Civil penalties*

- 25 (1) The OFT shall prepare and publish the statement of policy required by section 39C of the 1974 Act as soon as practicable after the commencement of section 54 of this Act.
- (2) The requirements of subsection (5) of section 39C may be satisfied in relation to the preparation of that statement of policy by steps taken wholly or partly before the commencement of section 54.

VALID FROM 06/04/2008

*Appeals*

- 26 (1) A person who—
- (a) immediately before the commencement of section 55 of this Act is a member of a panel established under regulation 24 of the appeals regulations, and
  - (b) at the time of his appointment to that panel fell within paragraph (2)(a) of that regulation,
- shall be treated as having been appointed to the panel of chairmen on the day of the commencement of section 55.
- (2) A person who—
- (a) immediately before the commencement of section 55 is a member of a panel established under regulation 24 of the appeals regulations, and
  - (b) is not to be treated as having been appointed to the panel of chairmen in accordance with sub-paragraph (1),
- shall be treated as having been appointed to the lay panel on the day of the commencement of section 55.
- (3) A person who is to be treated as having been appointed to the panel of chairmen or to the lay panel in accordance with this paragraph shall, subject to paragraph 4(2) and (3) of Schedule A1 to the 1974 Act, hold office as a member of the panel in question—
- (a) for the remainder of the period for which he was appointed under regulation 24 of the appeals regulations; and
  - (b) on the terms on which he was so appointed (except as to the renewal of his appointment).
- (4) In this paragraph—
- “appeals regulations” means the Consumer Credit Licensing (Appeals) Regulations 1998 (S.I. 1998/1203);
  - “lay panel” and “panel of chairmen” have the same meanings as in Schedule A1 to the 1974 Act.
- 27 (1) Neither—
- (a) subsections (1) and (2) of section 56 of this Act, nor

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(b) the repeal by this Act of subsections (2) to (5) of section 41 of the 1974 Act, has effect in relation to determinations of the OFT made before the commencement of section 56.

(2) This Act, so far as it repeals section 11 of the Tribunals and Inquiries Act 1992 (c. 53), has no effect in relation to such determinations so made.

(3) The repeal by this Act of paragraph 27(2) of Schedule 25 to the Enterprise Act 2002 (c. 40) has no effect in relation to such determinations so made.

28 Neither subsection (1) nor (4)(a) of section 58 of this Act has effect in relation to determinations of the OFT made before the commencement of that section.

VALID FROM 06/04/2007

*Ombudsman scheme*

29 Section 1 of this Act shall have no effect for the purposes of section 226A(4)(a) of the 2000 Act in relation to a complaint which relates to an act or omission occurring before the commencement of section 1.

VALID FROM 06/04/2007

SCHEDULE 4

Section 70

REPEALS

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**Status:**

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**Changes to legislation:**

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