



Consumer Credit Act 2006

2006 CHAPTER 14

Applications for licences and fitness to hold a licence etc.

33 Consequential amendments relating to ss. 27 to 32

- (1) In section 21(1) of the 1974 Act (businesses needing a licence) for “consumer hire business” substitute “a consumer hire business or an ancillary credit business”.
- (2) In section 22 of that Act (standard and group licences) after subsection (5) insert—

“(5A) A group licence to carry on a business may limit the activities it covers in any way the OFT thinks fit.”
- (3) In subsection (1) of section 23 of that Act (authorisation of specific activities) for “this section” substitute “the terms of the licence”.
- (4) In subsection (4) of that section for “Regulations may be made specifying” substitute “The OFT may by general notice specify”.
- (5) After section 27 of that Act insert—

“27A Consumer credit EEA firms

- (1) Where—
 - (a) a consumer credit EEA firm makes an application for a standard licence, and
 - (b) the activities covered by the application are all permitted activities, the OFT shall refuse the application.
- (2) Subsection (3) applies where—
 - (a) a consumer credit EEA firm makes an application for a standard licence; and
 - (b) some (but not all) of the activities covered by the application are permitted activities.

Status: This is the original version (as it was originally enacted).

- (3) In order to be entitled to be issued with a standard licence in accordance with section 25(1) to (1AB) in relation to a type of business, the firm need not satisfy the OFT that it is a fit person to carry on that type of business so far as it would involve any of the permitted activities covered by the application.
- (4) A standard licence held by a consumer credit EEA firm does not at any time authorise the carrying on of an activity which is a permitted activity at that time.
- (5) In this section ‘permitted activity’ means, in relation to a consumer credit EEA firm, an activity for which the firm has, or could obtain, permission under paragraph 15 of Schedule 3 to the Financial Services and Markets Act 2000.”
- (6) In the Table in section 41 of that Act (appeals) in the entry relating to “refusal to make order under section 40(2) in accordance with terms of application” after “40(2)” insert “, 148(2) or 149(2)”.
- (7) In sections 194(3) and 203(4) of the 2000 Act (powers of intervention and prohibition) for “(a) to (d) of section 25(2)” substitute “(a) to (e) of section 25(2A)”.
- (8) In section 203(10) of that Act (definitions relating to Consumer Credit Act businesses) in the definition of “associate” for “25(2)” substitute “25(2A)”.
- (9) In paragraph 15(3) of Schedule 3 to that Act (EEA passport rights) for “21, 39(1) and 147(1)” substitute “21 and 39(1)”.
- (10) In paragraph 23 of that Schedule in sub-paragraph (1) for “Sub-paragraph (2) applies” substitute “Sub-paragraphs (2) and (2A) apply”.
- (11) In sub-paragraph (2) of that paragraph for “(a) to (d) of section 25(2)” substitute “(a) to (e) of section 25(2A)”.
- (12) After that sub-paragraph insert—
 - “(2A) The Authority may also exercise its power under section 45 in respect of the firm if the Office of Fair Trading has informed the Authority that it has concerns about any of the following—
 - (a) the firm’s skills, knowledge and experience in relation to Consumer Credit Act businesses;
 - (b) such skills, knowledge and experience of other persons who are participating in any Consumer Credit Act business being carried on by the firm;
 - (c) practices and procedures that the firm is implementing in connection with any such business.”