



# Consumer Credit Act 2006

## 2006 CHAPTER 14

### *Powers and duties in relation to information*

#### **49 Failure to comply with information requirement**

After section 36D of the 1974 Act (inserted by section 48 of this Act) insert—

##### **“36E Failure to comply with information requirement**

- (1) If on an application made by the OFT it appears to the court that a person (the ‘information defaulter’) has failed to do something that he was required to do by virtue of section 36B or 36C, the court may make an order under this section.
- (2) An order under this section may require the information defaulter—
  - (a) to do the thing that it appears he failed to do within such period as may be specified in the order;
  - (b) otherwise to take such steps to remedy the consequences of the failure as may be so specified.
- (3) If the information defaulter is a body corporate, a partnership or an unincorporated body of persons which is not a partnership, the order may require any officer who is (wholly or partly) responsible for the failure to meet such costs of the application as are specified in the order.
- (4) In this section—
  - ‘court’ means—
    - (a) in England and Wales and Northern Ireland, the High Court or the county court;
    - (b) in Scotland, the Court of Session or the sheriff;
  - ‘officer’ means—
    - (a) in relation to a body corporate, a person holding a position of director, manager or secretary of the body or any similar position;
    - (b) in relation to a partnership or to an unincorporated body of persons, a member of the partnership or body.

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*Status: This is the original version (as it was originally enacted).*

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(5) In subsection (4) ‘director’ means, in relation to a body corporate whose affairs are managed by its members, a member of the body.”