



Consumer Credit Act 2006

2006 CHAPTER 14

Powers and duties in relation to information

51 Consequential amendments relating to information

(1) For section 7 of the 1974 Act (penalty for false information) substitute—

“7 Penalty for false information

A person commits an offence if, for the purposes of, or in connection with, any requirement imposed or other provision made by or under this Act, he knowingly or recklessly gives information to the OFT, or to an officer of the OFT, which, in a material particular, is false or misleading.”

(2) In subsection (1)(b)(ii) of section 162 of that Act (powers of entry and inspection) for the words from “recorded” onwards substitute “to provide him with that information;”.

(3) At the end of that section insert—

“(8) References in this section to a breach of any provision of or under this Act do not include references to—

- (a) a failure to comply with a requirement imposed under section 33A or 33B;
- (b) a failure to comply with section 36A; or
- (c) a failure in relation to which the OFT can apply for an order under section 36E.”

(4) In section 165 of that Act (obstruction of authorised officers) after subsection (1) insert—

“(1A) A failure to give assistance or information shall not constitute an offence under subsection (1)(c) if it is also—

- (a) a failure to comply with a requirement imposed under section 33A or 33B;
- (b) a failure to comply with section 36A; or

Status: This is the original version (as it was originally enacted).

- (c) a failure in relation to which the OFT can apply for an order under section 36E.”

(5) In Part 12 of that Act before section 175 insert—

“174A Powers to require provision of information or documents etc.

- (1) Every power conferred on a relevant authority by or under this Act (however expressed) to require the provision or production of information or documents includes the power—
- (a) to require information to be provided or produced in such form as the authority may specify, including, in relation to information recorded otherwise than in a legible form, in a legible form;
 - (b) to take copies of, or extracts from, any documents provided or produced by virtue of the exercise of the power;
 - (c) to require the person who is required to provide or produce any information or document by virtue of the exercise of the power—
 - (i) to state, to the best of his knowledge and belief, where the information or document is;
 - (ii) to give an explanation of the information or document;
 - (iii) to secure that any information provided or produced, whether in a document or otherwise, is verified in such manner as may be specified by the authority;
 - (iv) to secure that any document provided or produced is authenticated in such manner as may be so specified;
 - (d) to specify a time at or by which a requirement imposed by virtue of paragraph (c) must be complied with.
- (2) Every power conferred on a relevant authority by or under this Act (however expressed) to inspect or to seize documents at any premises includes the power to take copies of, or extracts from, any documents inspected or seized by virtue of the exercise of the power.
- (3) But a relevant authority has no power under this Act—
- (a) to require another person to provide or to produce,
 - (b) to seize from another person, or
 - (c) to require another person to give access to premises for the purposes of the inspection of,
- any information or document which the other person would be entitled to refuse to provide or produce in proceedings in the High Court on the grounds of legal professional privilege or (in Scotland) in proceedings in the Court of Session on the grounds of confidentiality of communications.
- (4) In subsection (3) ‘communications’ means—
- (a) communications between a professional legal adviser and his client;
 - (b) communications made in connection with or in contemplation of legal proceedings and for the purposes of those proceedings.
- (5) In this section ‘relevant authority’ means—
- (a) the OFT or an enforcement authority (other than the OFT);

- (b) an officer of the OFT or of an enforcement authority (other than the OFT).”
- (6) In section 189(1) of that Act (definitions) after the definition of “deposit” insert—
 - “documents’ includes information recorded in any form;”.
- (7) In Part 1 of Schedule 1 to the Criminal Justice and Police Act 2001 (c. 16) (powers of seizure to which section 50 applies) before paragraph 19 insert—
 - “18A The power of seizure conferred by section 36D(3) of the Consumer Credit Act 1974.”