

1976 No. 191

CONSUMER CREDIT

The Consumer Credit Licensing (Representations) Order 1976

<i>Made</i>	- - -	11th February 1976
<i>Laid before Parliament</i>		19th February 1976
<i>Coming into Operation</i>		12th March 1976

The Secretary of State, after consulting with the Council on Tribunals in accordance with section 10 of the Tribunals and Inquiries Act 1971(a) as amended by section 3 of the Consumer Credit Act 1974(b), in exercise of her powers under sections 2(1)(b) and 182(2) of the Consumer Credit Act 1974 and of all other powers enabling her in that behalf, hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Consumer Credit Licensing (Representations) Order 1976 and shall come into operation on 12th March 1976.

(2) In this Order—

“the Act” means the Consumer Credit Act 1974;

“the person affected” means a person who is required under section 34(1) of the Act to be invited to submit representations to the Director; and

“oral representations” means oral representations made under section 34 of the Act.

(3) The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Powers of the Director

2. Except as expressly provided herein, nothing in this Order restricts or abridges any right or power of the Director to do anything in the performance of any of his functions under the Act.

Notice of hearing

3. Where the person affected gives notice to the Director under section 34(1) of the Act that he wishes to make oral representations the Director shall, not less than 21 days before the day on which he arranges for those representations to be heard, or such shorter period before that day as the Director shall with the consent of the person affected determine, give notice to the person affected of the date, time and place at which they are to be heard.

(a) 1971 c. 62.

(b) 1974 c. 39.

(c) 1889 c. 63.

Conduct of hearing

4.—(1) In the course of the hearing of oral representations the Director shall—

- (a) at the request of the person affected permit any other person (in addition to the person affected) to make representations on his behalf or to give evidence or introduce documents for him; and
- (b) if he adjourns the hearing, inform the person affected a reasonable time before its resumption of the date, time and place of that resumption.

(2) The Director shall permit any member of the Council on Tribunals or of the Scottish Committee of the Council to attend any hearing of oral representations in his capacity as such a member.

(3) The Director shall not refuse to admit evidence solely on the ground that it would not be admissible in a court of law.

Making of determination under section 29(5) or 32(5) of the Act

5. Where the Director makes a determination to refuse to renew a licence in the terms applied for or to revoke or suspend a licence he shall not later than the time when he gives notice of his determination also determine whether to give or to refuse directions under section 29(5) or 32(5) of the Act as the case may require authorising a licensee to carry into effect agreements made by him.

Notice of the Director's determination

6.—(1) Where any notice which is required to be given under section 34(3) of the Act is notice of a determination that an application is refused, or granted in terms different from those applied for, or that the person affected is excluded from a group licence or that a licence is varied compulsorily, suspended or revoked, that notice shall in addition contain a statement—

- (a) setting out the Director's reasons for the determination;
- (b) setting out the findings of fact upon which the Director relies; and
- (c) declaring that if any person who is aggrieved by any such determination wishes to appeal to the Secretary of State under section 41 of the Act he must do so within the period and in the manner prescribed under subsection (1) of that section.

(2) Where the Director determines to refuse directions under section 29(5) or 32(5) of the Act authorising a licensee to carry into effect agreements made by him, the Director shall at the time when he gives notice under section 34(3) of the Act of his determination in relation to the licence—

- (a) in the case of a standard licence, give notice of the refusal to give directions to the licensee;
- (b) in the case of a group licence which the Director has determined to refuse to renew, give notice of the refusal to give directions to the applicant for its renewal;
- (c) in the case of a group licence which the Director has determined to suspend or revoke, give notice of the refusal to give directions to the original applicant for the licence, if any; and

(d) in the case of any group licence—

- (i) give notice of the refusal to give directions to the licensee in respect of whom such directions are refused; or
- (ii) give general notice of the refusal to give directions;

and any notice given under this paragraph shall contain a statement setting out and declaring the matters mentioned in paragraph (1)(a) to (c) above.

Alan Williams,
Minister of State,
Department of Prices and
Consumer Protection.

11th February 1976.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order regulates the carrying out of certain functions of the Director General of Fair Trading under the Consumer Credit Act 1974 relating to the provision of consumer credit, consumer hire and ancillary credit business. The functions concerned are—

- (a) the hearing by the Director under section 34(1) of that Act of representations in relation to determinations which he is minded to make about the issue, renewal, variation, suspension and revocation of licences and about rendering enforceable certain agreements which would otherwise not be enforceable (articles 3 and 4);
- (b) the making of determinations under sections 29(5) and 32(5) of that Act (which confer on the Director a power to authorise a licensee to carry into effect agreements made by him before the expiry, revocation or suspension of the licence) (article 5); and
- (c) the giving of notice of the Director's determinations (article 6).

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