

SCHEDULE 1

(Article 3)

AMENDMENTS TO SCHEDULE 3 TO THE ACT

1. There shall be substituted for the words “the day appointed for the purposes of this paragraph”, wherever they occur—

- (a) in paragraphs 1 and 19 the words “1st April 1977”; and
- (b) in paragraphs 12(1), 42 and 48 the words “16th May 1977”.

2. Paragraph 5 is amended so as to have effect as follows (the amendments being, for convenience, shown in bold type):

“Businesses needing a licence

5.—(1) Section 21 does not apply to the carrying on of any description of consumer credit business or consumer hire business—

- (a) **before 1st October 1977 in the case of a consumer credit business, not being a consumer credit business which is carried on by an individual and in the course of which only the following regulated consumer credit agreements (excluding agreements made before that date) are made, namely—**
 - (i) **agreements for fixed-sum credit not exceeding £30, and**
 - (ii) **agreements for running-account credit where the credit limit does not exceed that amount,**
- (b) **before the day appointed for the purposes of this paragraph in the case of any other description of consumer credit business, and**
- (c) **before 1st October 1977 in the case of any consumer hire business.**

(2) Where the person carrying on any description of consumer credit business or consumer hire business applies for a licence before the day **specified or referred to in subparagraph (1) above** in relation to a business of that description, he shall be deemed to have been granted on that day a licence covering that business and continuing in force until the licence applied for is granted or, if the application is refused, until the end of the appeal period.”

3. Paragraph 7 is amended so as to have effect as follows (the amendments being, for convenience, shown in bold type):

“Enforcement of agreements made by unlicensed trader

7. Section 40 does not apply to a regulated agreement made in the course of any business before the day **specified or referred to in paragraph 5(1) in relation to the description of business in question.**”

4. Paragraphs 44 and 45 are further amended so as to have effect as follows (the amendments being made to those paragraphs as originally enacted and being, for convenience, shown in bold type):

“Licensing

44.—(1) Section 21(1) does not apply (by virtue of section 147(1)) to the carrying on of any ancillary credit business before **3rd August 1976 in the case of any business so far as it comprises or relates to—**

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- (a) **debt-adjusting,**
- (b) **debt-counselling,**
- (c) **debt-collecting, or**
- (d) **the operation of a credit reference agency,**

or the day appointed for the purposes of this paragraph **in the case of any ancillary credit business so far as it comprises or relates to credit brokerage.**

(2) Where the person carrying on an ancillary credit business applies for a licence before **3rd August 1976** or the day appointed for the purposes of this paragraph **in the case of any ancillary credit business so far as it comprises or relates to credit brokerage**, he shall be deemed to have been granted on **3rd August 1976** or, **as the case may be, the day so appointed, a licence covering the description of ancillary credit business in question** and continuing in force until the licence applied for is granted or, if the application is refused, until the end of the appeal period.

Enforcement of agreements made by unlicensed trader

45. Section 148(1) does not apply to an agreement made in the course of any business before **3rd August 1976 in the case of any business so far as it comprises or relates to—**

- (a) **debt-adjusting,**
- (b) **debt-counselling,**
- (c) **debt-collecting, or**
- (d) **the operation of a credit reference agency,**

or the day appointed for the purposes of paragraph 44 in the case of any ancillary credit business so far as it comprises or relates to credit brokerage.”

SCHEDULE 2

(Article 4)

MINOR AND CONSEQUENTIAL AMENDMENTS
SPECIFIED IN SCHEDULE 4 TO THE ACT

PART I

UNITED KINGDOM

<i>Paragraph of Schedule 4 to the Act</i>	<i>Chapter</i>	<i>Short Title</i>	<i>Day appointed for coming into operation</i>
19	1959 c. 22.	County Courts Act 1959.	30th March 1977
28	1968 c. 29.	Trade Descriptions Act 1968.	1st April 1977

PART II
NORTHERN IRELAND

<i>Paragraph of Schedule 4 to the Act</i>	<i>Chapter</i>	<i>Short Title</i>	<i>Day appointed for coming into operation</i>
51	1972 c. 11	Miscellaneous Transferred (N.I.). Excise Duties Act (Northern Ireland) 1972.	1st October 1977

SCHEDULE 3

(Article 5)

REPEALS SPECIFIED IN SCHEDULE 5 TO THE ACT

PART I
UNITED KINGDOM

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>	<i>Agreements in relation to which repeal not to have effect</i>	<i>Day appointed for coming into operation</i>
1872 (35 & 36 Vict.) c.93.	Pawnbrokers Act 1872.	Sections 37 to 44 and Schedule 6.		1st August 1977
		In section 52, the words “or by the refusal of a certificate for a licence”.		1st August 1977
1894 (56 & 57 Vict.) c.73.	Local Government Act 1894.	Section 27(1)(b).		1st August 1977
1900 (63 & 64 Vict.) c.51.	Moneylenders Act 1900.	Section 1.	Agreements made before 16th May 1977 which are not personal credit agreements.	16th May 1977
1927 (17 & 18 Geo. 5) c.21.	Moneylenders Act 1927.	Sections 1 to 3, 4(1) and, in section 4(2), the words “the provisions of the last foregoing section and of”.		1st August 1977

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Chapter	Short Title	Extent of Repeal	Agreements in relation to which repeal not to have effect	Day appointed for coming into operation
		Section 10.	In the case of section 10, agreements made before 16th May 1977 which are not personal credit agreements.	16th May 1977
		In section 13(2), the words “Without prejudice to the powers of a court under section one of the Moneylenders Act, 1900”.	In the case of the said words in section 13(2), agreements made before 16th May 1977 which are not personal credit agreements.	16th May 1977
		Section 18(a), (b) and (c).		1st August 1977
1948 (11 & 12 Geo. 6) c.38.	Companies Act 1948.	Section 201(2)(c).		1st August 1977
1949 (12 & 13 Geo. 6) c.47.	Finance Act 1949.	In section 15, sub-sections (1) to (3) and (6) to (8A).		1st August 1977
1952 (15 & 16 Geo. 6 and 1 Eliz. 2) c.44.	Customs and Excise Act 1952.	In section 313(1) the words “or section 15 of the Finance Act 1949”.		1st August 1977
1961 (9 & 10 Eliz. 2) c.36.	Finance Act 1961.	Section 11(1) from “or section 15 of the Finance Act 1949” onwards.		1st August 1977
1964 c. 42.	Administration of Justice Act 1964.	Section 9(3)(b).		1st August 1977
1966 c. 42.	Local Government Act 1966.	In Schedule 3, Part II, the entries relating to section 37 of the Pawnbrokers Act 1872 and section 1(1) of		1st August 1977

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Chapter	Short Title	Extent of Repeal	Agreements in relation to which repeal not to have effect	Day appointed for coming into operation
1966 c. 51.	Local Government (Scotland) Act 1966.	the Moneylenders Act 1927. In Schedule 4, Part II, the entries relating to section 37 of the Pawnbrokers Act 1872 and section 1(1) of the Moneylenders Act 1927.		1st August 1977
1968 c. 60.	Theft Act 1968.	In Schedule 2, Part III, the entry relating to the Pawnbrokers Act 1872.		1st August 1977
1971 c. 23.	Courts Act 1971.	In Schedule 9, Part I, the entry relating to the Moneylenders Act 1927.		1st August 1977
1972 c. 70.	Local Government Act 1972.	Section 213(1)(a) and (b) and (3).		1st August 1977
1973 c. 65.	Local Government (Scotland) Act 1973.	In Schedule 27, paragraph 96. In Schedule 29, the entry relating to the Finance Act 1949.		1st August 1977 1st August 1977

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PART II
NORTHERN IRELAND

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>	<i>Agreements in relation to which repeal not to have effect</i>	<i>Day appointed for coming into operation</i>
1842 (5 & 6 Vict.) c.75.	Charitable Pawn Offices (Ireland) Act 1842.	The whole Act.		1st October 1977
1933 c. 23 (N.I.).	Moneylenders Act (Northern Ireland) 1933.	Sections 1 to 3 and 4(1).		1st August 1977
		In section 4(2) the words “the provisions of subsection (1) of this section and of” and, in paragraph (a), the words “followed by the words “licensed moneylender””.		1st August 1977
		Sections 10 and 11.	In the case of sections 10 and 11, agreements made before 16th May 1977 which are not personal credit agreements.	16th May 1977
		In section 13(2), the words “Without prejudice to the powers of a court under section one of the Moneylenders Act 1900”.	In the case of the said words in section 13(2), agreements made before 16th May 1977 which are not personal credit agreements.	16th May 1977
1954 c. 30 (N.I.).	Pawnbrokers Act (Northern Ireland) 1954.	Sections 5 to 9.		1st August 1977
1957 c. 19 (N.I.).	Betting and Lotteries Act (Northern Ireland) 1957.	Section 3(1)(j).		1st August 1977

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<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>	<i>Agreements in relation to which repeal not to have effect</i>	<i>Day appointed for coming into operation</i>
1960 c. 22 (N.I.).	Companies Act (Northern Ireland) 1960.	Section 192(3)(c).		1st August 1977
1969 c. 16 (N.I.).	Theft Act (Northern Ireland) 1969.	In Schedule 2, the entry relating to the Pawnbrokers Act (Northern Ireland) 1954.		1st August 1977
1971 c. 13 (N.I.).	Licensing Act (Northern Ireland) 1971.	Section 2(5)(b).		1st August 1977
1972 c. 11 (N.I.).	Miscellaneous Transferred Duties Act (Northern Ireland) 1972.	Part VI.		1st October 1977
		Part VII.		1st August 1977
		In Schedule 4 the entry relating to the Pawnbrokers Act (Northern Ireland) 1954.		1st August 1977