

1977 No. 331

CONSUMER CREDIT

The Consumer Credit (Entry and Inspection) Regulations 1977

<i>Made</i>	- - -	<i>28th February 1977</i>
<i>Laid before Parliament</i>		<i>8th March 1977</i>
<i>Coming into Operation</i>		<i>1st April 1977</i>

The Secretary of State, in exercise of powers conferred on him by sections 162(5) and 189(1) of the Consumer Credit Act 1974(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement and interpretation

1—(1) These Regulations may be cited as the Consumer Credit (Entry and Inspection) Regulations 1977 and shall come into operation on 1st April 1977.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(3) Expressions used in these Regulations have the same respective meanings as in the Consumer Credit Act 1974.

Authority to enter and inspect

2. Unless he is authorised by the Director, an officer of a local weights and measures authority is not to be taken as a duly authorised officer for the purposes of section 162 of the Consumer Credit Act 1974 (which confers powers of entry and inspection in connection with the enforcement of that Act on duly authorised officers of enforcement authorities) so far as concerns the exercise of any power under paragraphs (b), (d) and (e) of subsection (1) of that section in relation to a book or document of any of the following descriptions:—

- (a) any book or document relating to the business carried on by the Bank of England or a bank which—
 - (i) is, or is deemed under any enactment to be, a bank within the meaning of section 9 of the Bankers' Books Evidence Act 1879(c), or
 - (ii) is a bank to whose books that Act is applied by or under any enactment;

(a) 1974 c. 39.

(b) 1889 c. 63.

(c) 1879 c. 11.

(b) any consumer hire agreement under which the owner is the Post Office or the Kingston upon Hull City Council and any book or document which contains particulars relating to such an agreement; and

(c) any file kept by a credit reference agency about an individual:

Provided that where a debtor under a consumer credit agreement has consented in writing to the exercise of any power under paragraph (b) of the said subsection (1) with respect to any book or document falling within (a) above in so far as it contains information about the affairs of the debtor under that agreement then, in relation to any breach to which the said paragraph (b) applied before that consent was given, this regulation shall not apply to the exercise of that power by any such officer as aforesaid with respect to that book or document so far as concerns that information.

John Fraser,

Minister of State,

28th February 1977.

Department of Prices and Consumer Protection.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations provide that an officer of a local weights and measures authority shall not in the cases specified in the Regulations exercise the powers conferred by section 162 of the Consumer Credit Act 1974 relating to the production, copying, seizure and detention of books and documents and to the breaking open of containers unless he has the authority of the Director General of Fair Trading.

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