
STATUTORY INSTRUMENTS

2000 No. 291

CONSUMER CREDIT

The Consumer Credit (Conduct of Business) (Credit References) (Amendment) Regulations 2000

<i>Made</i>	- - - -	<i>8th February 2000</i>
<i>Laid before Parliament</i>		<i>9th February 2000</i>
<i>Coming into force</i>	- -	<i>1st March 2000</i>

The Secretary of State, in exercise of powers conferred on him by sections 26 and 147 of the Consumer Credit Act 1974⁽¹⁾, makes the following Regulations:—

1. These Regulations may be cited as the Consumer Credit (Conduct of Business) (Credit References) (Amendment) Regulations 2000 and shall come into force on 1st March 2000.

2. The Consumer Credit (Conduct of Business) (Credit References) Regulations 1977⁽²⁾ are amended as follows—

(a) by substituting the following for regulation 5(1)—

“5.—(1) Within 10 working days after the happening of any of the following events, that is to say—

- (a) the agency giving notice under section 159(2) of the Act that it has removed an entry from the file kept by it about an individual or has amended such an entry (including where it has amended an entry by removing information from it);
- (b) the agency giving notice under section 159(4) of the Act that it has received a notice under section 159(3) requiring it to add a notice of correction to the file and intends to comply with the notice; or
- (c) the expiry of the period specified in an order of the Director or the Data Protection Commissioner under section 159(5) of the Act as the period within which the order is to be complied with,

the agency shall give notice of the particulars specified in paragraph (2) below to each person to whom at any time since the relevant date it has furnished information relevant to the financial standing of the individual concerned.”; and

(b) by adding the following after regulation 5(2)—

(1) 1974 c. 39.
(2) S.I. 1977/330.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“(3) In this regulation, “the relevant date” means the date six months immediately preceding the receipt by the agency from the individual of the request, particulars and fee referred to in section 158(1) of the Act, or the request and fee (if a fee is payable) referred to in section 7(2) of the Data Protection Act 1998 and the information referred to in section 7(3) of that Act.”.

8th February 2000

Kim Howells,
Parliamentary Under-Secretary of State for
Consumers and Corporate Affairs,
Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Consumer Credit (Conduct of Business) (Credit References) Regulations 1977 (“the 1977 Regulations”). The 1977 Regulations, as so amended, supplement sections 157 to 160 of the Consumer Credit Act 1974 (“the 1974 Act”), certain provisions of sections 7 and 9 of the Data Protection Act 1998 (“the 1998 Act”) and the Consumer Credit (Credit Reference Agency) Regulations 2000 (S.I. 2000/290), which together deal with the disclosure to consumers of information about their financial standing held by credit reference agencies and the correction of such information where it is found to be wrong or incomplete.

The amendments made to the 1977 Regulations by these Regulations are in part consequential upon the enactment of sections 7 and 9 of the 1998 Act and the amendment (by section 62 of that Act) of sections 158 to 160 of the 1974 Act and in part changes in drafting.

Regulation 2(a) replaces regulation 5(1) of the 1977 Regulations. References to “consumers” are replaced by references to “individuals” (which, by virtue of section 189(1) of the 1974 Act, includes partnerships and other unincorporated bodies of persons not consisting entirely of bodies corporate). This change reflects the fact that “consumer” is now more narrowly defined in section 158(1) of the 1974 Act. The new regulation 5(1) also includes a reference to the Data Protection Commissioner, which takes into account the role of the Commissioner under section 159 of the 1974 Act as amended.

The new regulation 5(1) contains further drafting changes, among which is a reference to “the relevant date”. That expression is defined in a new regulation 5(3), added by regulation 2(b) of these Regulations. The definition reflects the fact that section 7 of the 1998 Act (read with section 9) now contains the right of individuals other than partnerships or other unincorporated bodies to obtain disclosure of information about their financial standing from credit reference agencies.

A Regulatory Impact Assessment of the costs and benefits which will result from these Regulations has been prepared. Copies have been placed in the libraries of both Houses of Parliament and can also be obtained from the Consumer Affairs Directorate of the Department of Trade and Industry, Room 407, 1 Victoria Street, London SW1H 0ET.