

SCHEDULE 5

Regulation 34(a)(i) and (b)

PART 1

INFORMATION AND STATEMENT TO BE INCLUDED IN ALL NOTICES UNDER SECTION 130A OF THE 1974 ACT

1. The date of the notice.
2. A description of the agreement sufficient to identify it and the claim number of the judgment given in relation to the agreement.
- 3.—(1) The name, telephone number, postal address and, where appropriate, any other address of the creditor or owner.
(2) Where the creditor and the debtor or the owner and the hirer have entered into an arrangement under which the debtor or the hirer has been given details of a particular employee or category of employee of the creditor or owner whom the debtor or hirer is entitled to contact in relation to all his dealings with the creditor or owner, the creditor or owner may, instead of including the telephone number or numbers referred to in sub-paragraph (1), refer to that arrangement.
4. The amount on which post-judgment interest is or will be charged at the date of the notice.
5. A statement in the following form—
“If you are having problems making repayments you should contact us in the first instance. If we cannot help you resolve the problem and if you are making payments under an instalment order you may be able to apply to the court to have the terms of the instalment order varied. If you do so you may also ask the court to reduce the amount of interest payable on the judgment debt.”.
6. A statement in the following form—

“Advice and information

You can also obtain advice and information about dealing with your debt issues from the Citizens Advice Bureau, Federation of Law Centres, Consumer Credit Counselling Service, National Debtline, Advice UK agencies, Trading Standards, and Consumer Direct on [NOTE 1].”.

NOTE 1: Insert the telephone numbers for the organisations referred to which are contained in the current Office of Fair Trading Default information sheet.

Regulation 34(b)

PART 2

INFORMATION AND STATEMENT TO BE INCLUDED IN ALL EXCEPT FIRST REQUIRED NOTICE UNDER SECTION 130A OF THE 1974 ACT

7. The total amount of post-judgment interest charged since the date of the last notice given under section 130A in relation to the agreement.
8. The date or dates on which post-judgment interest has been charged since that date.
9. The rate or rates at which post-judgment interest was charged. Where the rate is a variable rate it shall be stated to be variable.

Status: This is the original version (as it was originally made).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

Regulation 34(a)(ii)

PART 3

FORM OF WORDING TO BE INCLUDED IN FIRST REQUIRED NOTICE

“Interest payable after a judgment

This notice is being given to you because a court judgment has been obtained against you in relation to the agreement. Under the agreement we are allowed to continue to charge you interest on all the sums which the judgment states you owe us.

This notice is to advise you that we intend to charge interest. The rate of interest payable will be [NOTE 1] (variable) [NOTE 2].

Interest will be charged from the day you were given this notice (i.e. when the notice is deemed to have been delivered to you in the ordinary course of post) onwards.

This means that even if you pay off the whole amount of the judgment, you may still have a further sum to pay.

For so long as we intend to charge interest on the monies which the judgment states you owe us, you will be given a notice about this at least every six months. This will also include information about the amount of interest that has been charged since the previous notice was given.

If you are not given such a notice within 6 months starting with the day after the previous notice was given to you then we will not be able to charge further interest until you are given such a notice.”

NOTE 1: Insert interest rate or rates. Where the rate is variable insert the rate applicable at the date of the notice.

NOTE 2: Delete where the rate or rates are fixed.