



# Consumer Credit Act 1974

## 1974 CHAPTER 39

### PART IV

#### SEEKING BUSINESS

*FI* ...

#### Textual Amendments

- F1** Cross-heading omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), arts. 1(2)(6), **20(11)**

**<sup>F1</sup>43** **<sup>F2</sup> Advertisements to which Part IV applies.**

#### Textual Amendments

- F2** S. 43 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), arts. 1(2)(6), **20(11)**

**<sup>F3</sup>44** **Form and content of advertisements.**

*Status: This version of this part contains provisions that are prospective.*

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**Textual Amendments**

- F3** S. 44 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), arts. 1(2)(6), **20(12)**

**F4 45 Prohibition of advertisement where goods etc. not sold for cash.**

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**Textual Amendments**

- F4** S. 45 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), arts. 1(2)(6), **20(13)**

**46 F2 False or misleading advertisements.**

**F5** .....

**Textual Amendments**

- F2** S. 43 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), arts. 1(2)(6), **20(11)**
- F5** S. 46 repealed (26.5.2008) by The Consumer Protection from [Unfair Trading Regulations 2008 \(S.I. 2008/1277\)](#) regs. 30(1)(3), Sch. 2 para. 18, {Sch. 4 Pt. 1} (with savings in reg. 28(2)(3))

**F6 47 Advertising infringements.**

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**Textual Amendments**

- F6** S. 47 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), arts. 1(2)(6), **20(14)**

*Canvassing etc.*

**48 Definition of canvassing off trade premises (regulated agreements).**

- (1) An individual (the “canvasser”) canvasses a regulated agreement off trade premises if he solicits the entry (as debtor or hirer) of another individual (the “consumer”) into the agreement by making oral representations to the consumer, or any other individual, during a visit by the canvasser to any place (not excluded by subsection (2)) where the consumer, or that other individual, as the case may be, is, being a visit—

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- (a) carried out for the purpose of making such oral representations to individuals who are at that place, but
  - (b) not carried out in response to a request made on a previous occasion.
- (2) A place is excluded from subsection (1) if it is a place where a business is carried on (whether on a permanent or temporary basis) by—
- (a) the creditor or owner, or
  - (b) a supplier, or
  - (c) the canvasser, or the person whose employee or agent the canvasser is, or
  - (d) the consumer.

#### **49 Prohibition of canvassing debtor-creditor agreements off trade premises.**

- (1) It is an offence to canvass debtor-creditor agreements off trade premises.
- (2) It is also an offence to solicit the entry of an individual (as debtor) into a debtor-creditor agreement during a visit carried out in response to a request made on a previous occasion, where—
- (a) the request was not in writing signed by or on behalf of the person making it, and
  - (b) if no request for the visit had been made, the soliciting would have constituted the canvassing of a debtor-creditor agreement off trade premises.
- (3) Subsections (1) and (2) do not apply to any soliciting for an agreement enabling the debtor to overdraw on a current account of any description kept with the creditor, where—
- (a) the [F7FCA] has determined that current accounts of that description kept with the creditor are excluded from subsections (1) and (2), and
  - (b) the debtor already keeps an account with the creditor (whether a current account or not).
- (4) A determination under subsection (3)(a)—
- (a) may be made subject to such conditions as the [F7FCA] thinks fit, and
  - (b) shall be made only where the [F7FCA] is of opinion that it is not against the interests of debtors.
- (5) If soliciting is done in breach of a condition imposed under subsection (4)(a), the determination under subsection (3)(a) does not apply to it.

#### **Textual Amendments**

**F7** Word in s. 49 substituted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by [The Financial Services Act 2012 \(Consumer Credit\) Order 2013 \(S.I. 2013/1882\)](#), arts. 1(1), 7(2)

#### **50 Circulars to minors.**

- (1) A person commits an offence, who, with a view to financial gain, sends to a minor any document inviting him to—
- (a) borrow money, or
  - (b) obtain goods on credit or hire, or
  - (c) obtain services on credit, or

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- (d) apply for information or advice on borrowing money or otherwise obtaining credit, or hiring goods.
- (2) In proceedings under subsection (1) in respect of the sending of a document to a minor, it is a defence for the person charged to prove that he did not know, and had no reasonable cause to suspect, that he was a minor.
- (3) Where a document is received by a minor at any school or other educational establishment for minors, a person sending it to him at that establishment knowing or suspecting it to be such an establishment shall be taken to have reasonable cause to suspect that he is a minor.

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**Modifications etc. (not altering text)**

C1 S. 50 excluded by [Education \(Student Loans\) Act 1990 \(c. 6, SIF 41:1, 2\)](#), s. 1(5), **Sch. 2 para. 3(8)**

**<sup>F8</sup>51 Prohibition of unsolicited credit-tokens.**

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**Textual Amendments**

F8 S. 51 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), arts. 1(2)(6), **20(15)**

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**Modifications etc. (not altering text)**

C2 S. 51 savings for effect of S.I. 2013/1881 reg. 20(15) (14.2.2014 for specified purposes, 1.4.2014 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) Order 2014 \(S.I. 2014/366\)](#), arts. 1(3)(4), **13(2)(a)**

PROSPECTIVE

**<sup>F9</sup>51A Restrictions on provision of credit card cheques**

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**Textual Amendments**

F9 S. 51A omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), arts. 1(2)(6), **20(16)**

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PROSPECTIVE

**F10F10 ... Section 51A: exemption for business**  
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**Textual Amendments**

**F10** S. 51B omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), arts. 1(2)(6), **20(17)**

*F11 ...*

**Textual Amendments**

**F11** Cross-heading omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), arts. 1(2)(6), **20(18)**

**F1152 F12 Quotations.**  
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**Textual Amendments**

**F12** S. 52 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), arts. 1(2)(6), **20(18)**

**F1353 Duty to display information.**  
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**Textual Amendments**

**F13** S. 53 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), arts. 1(2)(6), **20(19)**

**F1454 Conduct of business regulations.**  
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#### **Textual Amendments**

- F14** S. 54 omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), arts. 1(2)(6), **20(20)**

**Status:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 25(2A)(b)(ia) inserted by [2010 c. 28 Sch. 2 para. 36](#)