



# Consumer Credit Act 1974

## 1974 CHAPTER 39

### PART XII

#### SUPPLEMENTAL

##### *Interpretation*

#### **189 Definitions.**

(1) In this Act, unless the context otherwise requires—

“advertisement ” includes every form of advertising, whether in a publication, by television or radio, by display of notices, signs, labels, showcards or goods, by distribution of samples, circulars, catalogues, price lists or other material, by exhibition of pictures, models or films, or in any other way, and references to the publishing of advertisements shall be construed accordingly;

<sup>F1</sup> ...

“ancillary credit business ” has the meaning given by section 145(1);

“antecedent negotiations ” has the meaning given by section 56;

<sup>F1</sup> ...

[<sup>F2</sup>“appropriate method” means—

(a) post, or

(b) transmission in the form of an electronic communication in accordance with section 176A(1);”]

“assignment ”, in relation to Scotland, means assignation;

“associate ” shall be construed in accordance with section 184;

[<sup>F3</sup>“authorised business overdraft agreement” means a debtor-creditor agreement which provides authorisation in advance for the debtor to overdraw on a current account, where the agreement is entered into by the debtor wholly or predominantly for the purposes of the debtor's business (see subsection (2A));

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“authorised non-business overdraft agreement” means a debtor-creditor agreement which provides authorisation in advance for the debtor to overdraw on a current account where—

- (a) the credit must be repaid on demand or within three months, and
- (b) the agreement is not entered into by the debtor wholly or predominantly for the purposes of the debtor's business (see subsection (2A));]

<sup>F4</sup> . . .

“bill of sale ” has the meaning given by section 4 of the <sup>M1</sup>Bills of Sale Act 1878 or, for Northern Ireland, by section 4 of the <sup>M2</sup>Bills of Sale (Ireland) Act 1879;

[<sup>F5</sup> “building society ” means a building society within the meaning of the Building Societies Act 1986;]

“business ” includes profession or trade, and references to a business apply subject to subsection (2);

“cancellable agreement ” means a regulated agreement which, by virtue of section 67, may be cancelled by the debtor or hirer;

“canvass ” shall be construed in accordance with sections 48 and 153;

“cash” includes money in any form;

“charity” means as respects England and Wales a charity registered under [<sup>F6</sup>the Charities Act 2011] or an exempt charity (within the meaning of that Act), [<sup>F7</sup>as respects] Northern Ireland an institution or other organisation established for charitable purposes only ( “organisation ” including any persons administering a trust and “charitable ” being construed in the same way as if it were contained in the Income Tax Acts) [<sup>F8</sup>and as respects Scotland a body entered in the Scottish Charity Register];

“conditional sale agreement ” means an agreement for the sale of goods or land under which the purchase price or part of it is payable by instalments, and the property in the goods or land is to remain in the seller (notwithstanding that the buyer is to be in possession of the goods or land) until such conditions as to the payment of instalments or otherwise as may be specified in the agreement are fulfilled;

“consumer credit agreement” has the meaning given by section 8, and includes a consumer credit agreement which is cancelled under section 69(1), or becomes subject to section 69(2), so far as the agreement remains in force;

[<sup>F9</sup>“consumer credit business” means any business being carried on by a person so far as it comprises or relates to—

- (a) the provision of credit by him, or
- (b) otherwise his being a creditor,

under regulated consumer credit agreements;]

[<sup>F10</sup>“consumer hire business” means any business being carried on by a person so far as it comprises or relates to—

- (a) the bailment or (in Scotland) the hiring of goods by him, or
- (b) otherwise his being an owner,

under regulated consumer hire agreements;]

“consumer hire business” means any business so far as it comprises or relates to the bailment or (in Scotland) the hiring of goods under regulated consumer hire agreements;

“controller”, in relation to a body corporate, means a person—

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- (a) in accordance with whose directions or instructions the directors of the body corporate or of another body corporate which is its controller (or any of them) are accustomed to act, or
- (b) who, either alone or with any associate or associates, is entitled to exercise, or control the exercise of, one third or more of the voting power at any general meeting of the body corporate or of another body corporate which is its controller;

“copy” shall be construed in accordance with section 180;

<sup>F11</sup> . . .

“court” means in relation to England and Wales the county court, in relation to Scotland the sheriff court and in relation to Northern Ireland the High Court or the county court;

“credit” shall be construed in accordance with section 9;

“credit-broker” means a person carrying on a business of credit brokerage;

“credit brokerage” has the meaning given by section 145(2);

<sup>F12</sup>“credit information services” <sup>F13</sup>is to be read in accordance with section 145(7B).]

<sup>F14</sup>“credit intermediary” has the meaning given by section 160A;]

“credit limit ” has the meaning given by section 10(2);

“creditor” means <sup>F15</sup>(except in relation to green deal plans: see instead section 189B(2))] the person providing credit under a consumer credit agreement or the person to whom his rights and duties under the agreement have passed by assignment or operation of law, and in relation to a prospective consumer credit agreement, includes the prospective creditor;

“credit reference agency” <sup>F16</sup>is to be read in accordance with section 145(8);

“credit-sale agreement” means an agreement for the sale of goods, under which the purchase price or part of it is payable by instalments, but which is not a conditional sale agreement;

“credit-token” has the meaning given by section 14(1);

“credit-token agreement” means a regulated agreement for the provision of credit in connection with the use of a credit-token;

“debt-adjusting ” has the meaning given by section 145(5);

<sup>F17</sup>“debt administration” has the meaning given by section 145(7A);]

“debt-collecting” has the meaning given by section 145(7);

“debt-counselling” has the meaning given by section 145(6);

“debtor” means <sup>F18</sup>(except in relation to green deal plans: see instead section 189B(3))] the individual receiving credit under a consumer credit agreement or the person to whom his rights and duties under the agreement have passed by assignment or operation of law, and in relation to a prospective consumer credit agreement includes the prospective debtor;

“debtor-creditor agreement” has the meaning given by section 13;

“debtor-creditor-supplier agreement” has the meaning given by section 12;

“default notice” has the meaning given by section 87(1);

<sup>F19</sup> “default sum” has the meaning given by section 187A;]

“deposit” means <sup>F20</sup>...any sum payable by a debtor or hirer by way of deposit or down-payment, or credited or to be credited to him on account of any deposit or down-payment, whether the sum is to be or has been paid to the

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creditor or owner or any other person, or is to be or has been discharged by a payment of money or a transfer or delivery of goods or by any other means;

[<sup>F21</sup>“documents” includes information recorded in any form;]

<sup>F22</sup>  
.....

“electric line” has the meaning given by [<sup>F23</sup>the Electricity Act 1989] or, for Northern Ireland, [<sup>F24</sup>the Electricity (Northern Ireland) Order 1992]

[<sup>F25</sup>“electronic communication” means an electronic communication within the meaning of the Electronic Communications Act 2000 (c. 7)“]

“embodies” and related words shall be construed in accordance with subsection (4);

“enforcement authority” has the meaning given by section 161(1);

“enforcement order” means an order under section 65(1), 105(7)(a) or (b), 111(2) or 124(1) or (2);

“executed agreement” means a document, signed by or on behalf of the parties, embodying the terms of a regulated agreement, or such of them as have been reduced to writing;

<sup>F1</sup>  
...

[<sup>F26</sup>“FCA” means the Financial Conduct Authority;]

“finance” means to finance wholly or partly, and “financed ” and “refinanced ” shall be construed accordingly;

“file” and “copy of the file” have the meanings given by section 158(5);

“fixed-sum credit” has the meaning given by section 10(1)(b);

“friendly society” means a society registered [<sup>F27</sup>or treated as registered under the Friendly Societies Act 1974 or the Friendly Societies Act 1992] or a society within the meaning of the <sup>M3</sup>Friendly Societies Act (Northern Ireland) 1970;

“future arrangements” shall be construed in accordance with section 187;

<sup>F28</sup>  
.....

<sup>F29</sup>  
.....

“give” means deliver or send [<sup>F30</sup>by an appropriate method] to;

“goods” <sup>M4</sup> has the meaning given by [<sup>F31</sup>section 61(1) of the Sale of Goods Act 1979];

[<sup>F32</sup> “green deal plan” has the meaning given by section 1 of the Energy Act 2011;]

<sup>F1</sup>  
.....

“High Court” means Her Majesty’s High Court of Justice, or the Court of Session in Scotland or the High Court of Justice in Northern Ireland;

“hire-purchase agreement” means an agreement, other than a conditional sale agreement, under which—

- (a) goods are bailed or (in Scotland) hired in return for periodical payments by the person to whom they are bailed or hired, and
- (b) the property in the goods will pass to that person if the terms of the agreement are complied with and one or more of the following occurs—
  - (i) the exercise of an option to purchase by that person,
  - (ii) the doing of any other specified act by any party to the agreement,
  - (iii) the happening of any other specified event;

“hirer ” means the individual to whom goods are bailed or (in Scotland) hired under a consumer hire agreement, or the person to whom his rights and

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duties under the agreement have passed by assignment or operation of law, and in relation to a prospective consumer hire agreement includes the prospective hirer;

[<sup>F33</sup>“individual” includes—

- (a) a partnership consisting of two or three persons not all of whom are bodies corporate; and
- (b) an unincorporated body of persons which does not consist entirely of bodies corporate and is not a partnership;]

“installation” means—

- (a) the installing of any electric line or any gas or water pipe,
- (b) the fixing of goods to the premises where they are to be used, and the alteration of premises to enable goods to be used on them,
- (c) where it is reasonably necessary that goods should be constructed or erected on the premises where they are to be used, any work carried out for the purpose of constructing or erecting them on those premises;

<sup>F4</sup>  
...

“judgment” includes an order or decree made by any court;

“land”, includes an interest in land, and in relation to Scotland includes heritable subjects of whatever description;

“land improvement company” means an improvement company as defined by section 7 of the <sup>M5</sup>Improvement of Land Act 1899;

“land mortgage” includes any security charged on land;

<sup>F1</sup>  
...

<sup>F1</sup>  
...

<sup>F1</sup>  
...

“linked transaction” has the meaning given by section 19(1);

“local authority”, in relation to England <sup>F34</sup> . . . , means . . . <sup>F35</sup>, a county council, a London borough council, a district council, the Common Council of the City of London, or the Council of the Isles of Scilly [<sup>F36</sup>in relation to Wales means a county council or a county borough council,], and in relation to Scotland, means a [<sup>F37</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994], and, in relation to Northern Ireland, means a district council;

[<sup>F38</sup> . . . ]

“modifying agreement” has the meaning given by section 82(2);

“mortgage”, in relation to Scotland, includes any heritable security;

“multiple agreement” has the meaning given by section 18(1);

“negotiator” has the meaning given by section 56(1);

“non-commercial agreement” means a consumer credit agreement or a consumer hire agreement not made by the creditor or owner in the course of a business carried on by him;

“notice” means notice in writing;

“notice of cancellation” has the meaning given by section 69(1);

<sup>F39</sup>  
...

[<sup>F40</sup>“open-end” in relation to a consumer credit agreement, means of no fixed duration;]

“owner” means a person who bails or (in Scotland) hires out goods under a consumer hire agreement or the person to whom his rights and duties under

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the agreement have passed by assignment or operation of law, and in relation to a prospective consumer hire agreement, includes the prospective bailor or person from whom the goods are to be hired;

“pawn” means any article subject to a pledge;

“pawn-receipt” has the meaning given by section 114;

“pawnee” and “pawnor” include any person to whom the rights and duties of the original pawnee or the original pawnor, as the case may be, have passed by assignment or operation of law;

“payment” includes tender;

<sup>F41</sup>  
...

“pledge” means the pawnee’s rights over an article taken in pawn;

“prescribed” means prescribed by regulations made by the Secretary of State;

“pre-existing arrangements” shall be construed in accordance with section 187;

“principal agreement” has the meaning given by section 19(1);

“protected goods” has the meaning given by section 90(7);

<sup>F1</sup>  
...

“redemption period” has the meaning given by section 116(3);

[<sup>F42</sup>“Regulated Activities Order” means the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001;]

<sup>F1</sup>  
...

[<sup>F43</sup> “regulated agreement” means a consumer credit agreement which is a regulated agreement (within the meaning of section 8(3)) or a consumer hire agreement which is a regulated agreement (within the meaning of section 15(2));]

“regulations” means regulations made by the [<sup>F44</sup>Treasury];

“relative”, except in section 184, means a person who is an associate by virtue of section 184(1);

“representation” includes any condition or warranty, and any other statement or undertaking, whether oral or in writing;

[<sup>F45</sup>“residential renovation agreement” means a consumer credit agreement [<sup>F46</sup>entered into on or after 21st March 2016] —

(a) which is unsecured; and

(b) the purpose of which is the renovation of residential property, as described in Article 2(2a) of Directive 2008/48/EC of the European Parliament and of the Council of 23rd April 2008 on credit agreements for consumers.]

“restricted-use credit agreement” and “restricted-use credit ” have the meanings given by section 11(1);

“rules of court”, in relation to Northern Ireland means, in relation to the High Court, rules made under section 7 of the <sup>M6</sup>Northern Ireland Act 1962, and, in relation to any other court, rules made by the authority having for the time being power to make rules regulating the practice and procedure in that court;

“running-account credit” shall be construed in accordance with section 10;

“security”, in relation to an actual or prospective consumer credit agreement or consumer hire agreement, or any linked transaction, means a mortgage, charge, pledge, bond, debenture, indemnity, guarantee, bill, note

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or other right provided by the debtor or hirer, or at his request (express or implied), to secure the carrying out of the obligations of the debtor or hirer under the agreement;

“security instrument” has the meaning given by section 105(2);

“serve on” means deliver or send [<sup>F30</sup>by an appropriate method] to;

“signed” shall be construed in accordance with subsection (3);

“small agreement” has the meaning given by section 17(1), and “small ” in relation to an agreement within any category shall be construed accordingly;

<sup>F1</sup> ...

<sup>F1</sup> ...

“supplier” has the meaning given by section 11(1)(b) or 12(c) or 13(c) or, in relation to an agreement falling within section 11(1)(a), means the creditor, and includes a person to whom the rights and duties of a supplier (as so defined) have passed by assignment or operation of law, or (in relation to a prospective agreement) the prospective supplier;

“surety” means the person by whom any security is provided, or the person to whom his rights and duties in relation to the security have passed by assignment or operation of law;

“technical grounds” shall be construed in accordance with subsection (5);

“time order” has the meaning given by section 129(1);

[<sup>F47</sup>“total charge for credit ” has the meaning given by section 20;]

“total price” means the total sum payable by the debtor under a hire-purchase agreement or a conditional sale agreement, including any sum payable on the exercise of an option to purchase, but excluding any sum payable as a penalty or as compensation or damages for a breach of the agreement;

<sup>F48</sup> .....

[<sup>F49</sup>“the UK GDPR” has the same meaning as in Parts 5 to 7 of the Data Protection Act 2018 (see section 3(10) and (14) of that Act);]

“unexecuted agreement” means a document embodying the terms of a prospective regulated agreement, or such of them as it is intended to reduce to writing;

<sup>F1</sup> ...

“unrestricted-use credit agreement” and “unrestricted-use credit” have the meanings given by section 11(2);

“working day” means any day other than—

- (a) Saturday or Sunday,
- (b) Christmas Day or Good Friday,
- (c) a bank holiday within the meaning given by section 1 of the <sup>M7</sup>Banking and Financial Dealings Act 1971.

[ In sections <sup>F51</sup>... 70(4), 73(4) and 75(2) <sup>F52</sup> . . . ‘costs’, in relation to proceedings in <sup>F50</sup>(1A) Scotland, means expenses.]

(2) A person is not to be treated as carrying on a particular type of business merely because occasionally he enters into transactions belonging to a business of that type.

[ For the purpose of the definitions of “authorised business overdraft agreement” <sup>F53</sup>(2A) and “authorised non-business overdraft agreement” [<sup>F54</sup>article 60C(5) and (6) of the Regulated Activities Order applies].]

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- (3) Any provision of this Act requiring a document to be signed is complied with by a body corporate if the document is sealed by that body.

This subsection does not apply to Scotland.

- (4) A document embodies a provision if the provision is set out either in the document itself or in another document referred to in it.
- (5) An application dismissed by the court<sup>F55</sup>... shall, if the court<sup>F55</sup>... so certifies, be taken to be dismissed on technical grounds only.
- (6) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended by or under any other enactment, including this Act.
- (7) In this Act, except where otherwise indicated—
- (a) a reference to a numbered Part, section or Schedule is a reference to the Part or section of, or the Schedule to, this Act so numbered, and
  - (b) a reference in a section to a numbered subsection is a reference to the subsection of that section so numbered, and
  - (c) a reference in a section, subsection or Schedule to a numbered paragraph is a reference to the paragraph of that section, subsection or Schedule so numbered.]

#### Textual Amendments

- F1** Words in s. 189(1) 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(60)(a)(i)**
- F2** S. 189(1): definition of "appropriate method" inserted (31.12.2004) by [The Consumer Credit Act 1974 \(Electronic Communications\) Order 2004 \(S.I. 2004/3236\)](#), **art. 2(8)**
- F3** S. 189(1): definitions of "authorised business overdraft agreement" and "authorised non-business overdraft agreement" inserted (30.4.2010) by [The Consumer Credit \(EU Directive\) Regulations 2010 \(S.I. 2010/1010\)](#), **regs. 19(2), 99(2)(a)** (with regs. 100, 101)
- F4** S. 189(1): definitions repealed (1.12.2001) by [S.I. 2001/3649](#), **art. 176(a)**
- F5** Definition of "building society" substituted by [Building Societies Act 1986 \(c. 53, SIF 16\)](#), s. 120, **Sch. 18 para. 10(4)**
- F6** S. 189(1): words in definition of "charity" substituted (14.3.2012) by [Charities Act 2011 \(c. 25\)](#), ss. 354(1), 355, **Sch. 7 para. 29** (with s. 20(2), Sch. 8)
- F7** S. 189(1): words in definition of "charity" substituted (1.4.2006) by [The Charities and Trustee Investment \(Scotland\) Act 2005 \(Consequential Provisions and Modifications\) Order 2006 \(S.I. 2006/242\)](#), arts. 1(3), 5, **Sch. para. 1(a)**
- F8** S. 189(1): words in definition of "charity" inserted (1.4.2006) by [The Charities and Trustee Investment \(Scotland\) Act 2005 \(Consequential Provisions and Modifications\) Order 2006 \(S.I. 2006/242\)](#), arts. 1(3), 5, **Sch. para. 1(b)**
- F9** S. 189(1): definition of "consumer credit business" substituted (6.4.2008) by [Consumer Credit Act 2006 \(c. 14\)](#), ss. {23(a)}, 71(2); [S.I. 2007/3300](#), **art. 3(2)**, Sch. 2
- F10** S. 189(1): definition of "consumer hire business" substituted (6.4.2008) by [Consumer Credit Act 2006 \(c. 14\)](#), ss. {23(b)}, 71(2); [S.I. 2007/3300](#), **art. 3(2)**, Sch. 2
- F11** S. 189(1): definition of "costs" repealed (6.4.2008) by [Consumer Credit Act 2006 \(c. 14\)](#), ss. 70, 71(2), **Sch. 4**; [S.I. 2007/3300](#), **art. 3(2)**, Sch. 2
- F12** S. 189(1): definition of "credit information services" inserted (16.6.2006) by [Consumer Credit Act 2006 \(c. 14\)](#), ss. {25(5)}, 71(2); [S.I. 2006/1508](#), **art. 3(1)**, Sch. 1



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- F13** Words in s. 189(1) substituted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), arts. 1(2)(6), **20(60)(a)(ii)**
- F14** S. 189(1): definition of "credit intermediary" inserted (30.4.2010) by [The Consumer Credit \(EU Directive\) Regulations 2010 \(S.I. 2010/1010\)](#), **regs. 42**, 99(2)(d) (with regs. 100, 101)
- F15** Words in s. 189(1) inserted (E.W.S.) (28.2.2014) by [The Consumer Credit Act 1974 \(Green Deal\) \(Amendment\) Order 2014 \(S.I. 2014/436\)](#), arts. 1(2), **5(a)** (with art. 1(3))
- F16** Words in s. 189(1) substituted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), arts. 1(2)(6), **20(60)(a)(iii)**
- F17** S. 189(1): definition of "debt administration" inserted (16.6.2006) by [Consumer Credit Act 2006 \(c. 14\)](#), ss. {24(6)}, 71(2); S.I. 2006/1508, **art. 3(1)**, Sch. 1
- F18** Words in s. 189(1) inserted (E.W.S.) (28.2.2014) by [The Consumer Credit Act 1974 \(Green Deal\) \(Amendment\) Order 2014 \(S.I. 2014/436\)](#), arts. 1(2), **5(b)** (with art. 1(3))
- F19** S. 189(1): definition of "default sum" inserted (16.6.2006) by [Consumer Credit Act 2006 \(c. 14\)](#), ss. {18(2)}, 71(2); S.I. 2006/1508, **art. 3(1)**, Sch. 1
- F20** Words in s. 189(1) 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(60)(a)(iv)**
- F21** S. 189(1): definition of "documents" inserted (6.4.2008) by [Consumer Credit Act 2006 \(c. 14\)](#), ss. {51(6)}, 71(2); S.I. 2007/3300, **art. 3(2)**, Sch. 2
- F22** S. 189(1): definition of "Director" repealed (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), ss. 278, 279, **Sch. 25 para. 6(38)(a)(i)**, **Sch. 26**; S.I. 2003/766, **art. 2**, Sch. (with art. 3)
- F23** Words "the Electricity Act 1989" substituted (E.W.S.) for "the Electric Lighting Act 1882" by [Electricity Act 1989 \(c. 29, SIF 44:1\)](#), s. 112(1)(3), Sch. 16 para. 17(1)(3), Sch. 17 paras. 33, **35(1)**
- F24** S. 189(1): words in definition of "electric line" substituted (N.I.) (1.4.1992) by S.I. 1992/231 (N.I. 1), art. 95(1), **Sch. 12 para. 15**; S.R. 1992/117, **art. 3**.
- F25** S. 189(1): definition of "electronic communication" inserted (31.12.2004) by [The Consumer Credit Act 1974 \(Electronic Communications\) Order 2004 \(S.I. 2004/3236\)](#), **art. 2(8)**
- F26** Words in s. 189(1) inserted (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(22)(a)(i)**
- F27** S. 189(1): words in definition of "friendly society" substituted (1.12.2001) by S.I. 2001/3649, **art. 176(c)**
- F28** Words in s. 189(1) omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services Act 2012 \(Consumer Credit\) Order 2013 \(S.I. 2013/1882\)](#), arts. 1(1), **7(22)(a)(ii)**
- F29** Words in s. 189(1) omitted (31.12.2020) by virtue of [The Data Protection, Privacy and Electronic Communications \(Amendments etc\) \(EU Exit\) Regulations 2019 \(S.I. 2019/419\)](#), reg. 1(2), **Sch. 3 para. 6(a)** (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1)
- F30** Words in s. 189(1) substituted (31.12.2004) by [The Consumer Credit Act 1974 \(Electronic Communications\) Order 2004 \(S.I. 2004/3236\)](#), **art. 2(9)**
- F31** Words substituted by [Sale of Goods Act 1979 \(c. 54, SIF 109:1\)](#), s. 63, **Sch. 2 para. 18**
- F32** Words in s. 189(1) inserted (E.W.S.) (28.2.2014) by [The Consumer Credit Act 1974 \(Green Deal\) \(Amendment\) Order 2014 \(S.I. 2014/436\)](#), arts. 1(2), **5(c)** (with art. 1(3))
- F33** S. 189(1): definition of "individual" substituted (6.4.2007) by [Consumer Credit Act 2006 \(c. 14\)](#), ss. {1}, 71(2) (with Sch. 3 paras. 17, 29); S.I. 2007/123, **art. 3(2)**, Sch. 2 (with transitional provisions in arts. 4, 5)
- F34** Words in s. 189(1) repealed (E.W.) (1.4.1996) by [1994 c. 19](#), s. 66(6)(8), Sch. 16 para. 45, **Sch. 18** (with ss. 54(5)(7), 55(5)); S.I. 1996/396, art. 4, **Sch. 2**
- F35** Words repealed by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 102, **Sch. 17**
- F36** Words in s. 189(1) inserted (E.W.) (1.4.1996) by [1994 c. 19](#), s.66(6)(8), **Sch. 16 para. 45** (with ss. 54(5)(7), 55(5)); S.I. 1996/396, art. 4, **Sch. 2**

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- F37** Words in s. 189(1) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 94**; S.I. 1996/323, **art. 4(1)**
- F38** Definition of “minor” in relation to Scotland repealed (S.) (25.9.1991) by Age of Legal Capacity (Scotland) Act 1991 (c. 50, SIF 60), ss. 10, 11(2), **Sch. 2** (with s. 1(3)).
- F39** Words in s. 189(1) omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of The Financial Services Act 2012 (Consumer Credit) Order 2013 (S.I. 2013/1882), arts. 1(1), **7(22)(a)(iii)**
- F40** S. 189(1): definition of “open-end” inserted (30.4.2010) by The Consumer Credit (EU Directive) Regulations 2010 (S.I. 2010/1010), **regs. 39, 99(2)(b)** (with regs. 100, 101)
- F41** S. 189(1): definition of “personal credit agreement” repealed (6.4.2008 for certain purposes, otherwise 31.10.2008) by Consumer Credit Act 2006 (c. 14), ss. 70, 71(2), **Sch. 4**; S.I. 2008/831, **art. 3(1)(2)**, Schs. 2, 3 (as amended by S.I. 2008/2444, **art. 2**)
- F42** Words in s. 189(1) inserted (26.7.2013 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) (No.2) Order 2013 (S.I. 2013/1881), arts. 1(2)(6), **20(60)(a)(v)**
- F43** Words in s. 189(1) substituted (26.7.2013 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) (No.2) Order 2013 (S.I. 2013/1881), arts. 1(2)(6), **20(60)(a)(vi)**
- F44** Word in s. 189(1) 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(22)(a)(iv)**
- F45** Words in s. 189(1) inserted (20.4.2015 for specified purposes, 21.12.2015 for specified purposes, 21.3.2016 in so far as not already in force) by The Mortgage Credit Directive Order 2015 (S.I. 2015/910), art. 1(5), **Sch. 1 para. 2(9)** (with Pt. 4)
- F46** Words in s. 189(1) inserted (17.3.2016 for specified purposes, 21.3.2016 in so far as not already in force) by The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2016 (S.I. 2016/392), arts. 1(2)(3)(c), **3(3)** (with Pt. 5)
- F47** Words in s. 189(1) substituted (26.7.2013 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) (No.2) Order 2013 (S.I. 2013/1881), arts. 1(2)(6), **20(60)(a)(vii)**
- F48** S189: definition of “the Tribunal” omitted (1.9.2009) by virtue of The Transfer of Functions of the Consumer Credit Appeals Tribunal Order 2009 (S.I. 2009/1835), arts. 1, 4(1), **Sch. 1 para. 8(a)(ii)** (with Sch. 4)
- F49** Words in s. 189(1) inserted (31.12.2020) by The Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (S.I. 2019/419), reg. 1(2), **Sch. 3 para. 6(b)** (with Sch. 3 para. 112); 2020 c. 1, Sch. 5 para. 1(1)
- F50** S. 189(1A) inserted (6.4.2008) by Consumer Credit Act 2006 (c. 14), ss. {27(3)}, 71(2); S.I. 2007/3300, **art. 3(2)**, Sch. 2
- F51** Word in s. 189(1A) 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(60)(b)**
- F52** Words in s. 189(1A) omitted (1.9.2009) by virtue of The Transfer of Functions of the Consumer Credit Appeals Tribunal Order 2009 (S.I. 2009/1835), arts. 1, 4(1), **Sch. 1 para. 8(b)** (with Sch. 4)
- F53** S. 189(2A) inserted (30.4.2010) by The Consumer Credit (EU Directive) Regulations 2010 (S.I. 2010/1010), **regs. 19(3), 99(2)(a)** (with regs. 100, 101)
- F54** Words in s. 189(2A) substituted (26.7.2013 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) (No.2) Order 2013 (S.I. 2013/1881), arts. 1(2)(6), **20(60)(c)**
- F55** Words in s. 189(5) 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(60)(d)**

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#### **Marginal Citations**

- M1** 1878 c. 31.
- M2** 1879 c. 50.
- M3** 1970 c. 31. (N.I.)
- M4** 1894 c. 71 (56 & 57 Vict.).
- M5** 1899 c. 46.
- M6** 1962 c. 30.
- M7** 1971 c. 80.

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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](#)