

*These notes refer to the Consumer Credit Act 2006  
(c.14) which received Royal Assent on 30 March 2006*

# CONSUMER CREDIT ACT 2006

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## EXPLANATORY NOTES

### APPEALS

94. *Sections 55, 56, 57 and 58* establish the Consumer Credit Appeals Tribunal and deal with appeals to and from that Tribunal.

#### *Section 55: The Consumer Credit Appeals Tribunal*

95. *Section 55* establishes the Tribunal and gives the Lord Chancellor the power to make its procedural rules. Schedule 1 of the 2006 Act inserts Schedule A1 into the 1974 Act. This sets out requirements for the appointment of the President of the Tribunal and the panels from which members of the Tribunal will be drawn, imposes requirements in relation to their qualifications and terms of office and also provides for the appointment of a Deputy President and administrative staff. It sets out the powers of the Tribunal to make orders and to award costs.

#### *Section 56: Appeals to the Consumer Credit Appeals Tribunal*

96. *Section 56* amends section 41 of the 1974 Act, which deals with appeals. Appeals in respect of decisions by OFT under the 1974 Act will be to the Tribunal and not the Secretary of State. The appeal is a rehearing of the determination appealed against. The time limit for claims and the form of the notice of appeal are to be specified in the rules of the Tribunal.

#### *Section 57: Appeals from the Consumer Credit Appeals Tribunal*

97. *Section 57* inserts a new section 41A after section 41 of the 1974 Act and establishes the right to appeal to the Courts of Appeal of England & Wales and Northern Ireland or Court of Session in Scotland on a point of law against a decision of the Tribunal. If the appeal court considers that the decision is wrong in law it may quash or vary the decision, substitute a decision of its own for the decision of the Tribunal or remit (with directions, if it wishes) the matter back to the Tribunal for a rehearing and decision. An appeal may be made from the Courts of Appeal to the House of Lords with the leave of the Court or of the House of Lords. Appeals from the Court of Session lie to the House of Lords in the manner provided for in section 40 of the Court of Session Act 1988.

#### *Section 58: Consequential amendments relating to appeals*

98. *Section 58* makes certain amendments to the 1974 Act in relation to the new appeals provisions. *Section 58(5)* includes the Consumer Credit Appeals Tribunal as a tribunal covered by the Tribunals and Inquiries Act 1992. This means that the Tribunal will be subject to the supervision of the Council on Tribunals.