

CONSUMER CREDIT ACT 2006

EXPLANATORY NOTES

MISCELLANEOUS

Section 62: Monitoring of businesses by OFT

104. Section 1 of the 1974 Act sets out the general functions of OFT under the 1974 Act. *Section 62* amends that section to impose a general duty on OFT to monitor businesses being carried on under licences issued under the 1974 Act.

Section 63: Disapplication of section 101 of the 1974 Act

105. *Section 63* inserts a new subsection (8A) into section 101 of the 1974 Act. That section provides the hirer under a regulated consumer hire agreement with a power to terminate the agreement by giving notice as prescribed by subsections (3) to (6) of the section. Subsection 101(8) of the 1974 Act gives the OFT power to exempt specific agreements from this provision on application by a person carrying on a consumer hire business if it appears to the OFT that it would be in the interests of hirers to do so. The new subsection 101(8A) provides that the OFT may by general notice direct that section 101 does not apply to any consumer hire agreement falling within a specified description subject to such conditions as it may specify. Such a direction may only be given if it appears to the OFT that it is in the interests of hirers to do so.

Section 64: Determinations etc. by OFT

106. *Section 64* replaces section 183 of the 1974 Act. The new section 183 will provide that OFT can vary or revoke any determination made or direction given by it under the 1974 Act, except in relation to:
- the issue, renewal, variation or ending of suspension of licences,
 - those determinations which can be appealed and are listed in the table in section 41 of the 1974 Act (as amended by the 2006 Act),
 - the extension of, or the refusal to extend, the period to make payment for a licence in the new section 28B, inserted into the 1974 Act by section 36 of the 2006 Act,
 - a decision under sections 40, 148 or 149 of the 1974 Act regarding the enforcement of agreements entered into by persons without a licence or following introduction by an unlicensed credit broker.