
Status: This version of this cross heading contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Consumer Credit Act 2006, Cross Heading: Unfair relationships. (See end of Document for details)

SCHEDULES

SCHEDULE 3

TRANSITIONAL PROVISION AND SAVINGS

Unfair relationships

- 14 (1) The court may make an order under section 140B of the 1974 Act in connection with a credit agreement made before the commencement of section 20 of this Act but only—
- (a) on an application of the kind mentioned in paragraph (a) of subsection (2) of section 140B made at a time after the end of the transitional period; or
 - (b) at the instance of the debtor or a surety in any proceedings of the kind mentioned in paragraph (b) or (c) of that subsection which were commenced at such a time.
- (2) But the court shall not make such an order in connection with such an agreement so made if the agreement—
- (a) became a completed agreement before the commencement of section 20; or
 - (b) becomes a completed agreement during the transitional period.
- (3) Expressions used in sections 140A to 140C of the 1974 Act have the same meaning in this paragraph as they have in those sections.
- (4) In this paragraph “the transitional period” means the period of one year beginning with the day of the commencement of section 20.
- (5) An order under section 69 of this Act may extend, or further extend, the transitional period.

Commencement Information

II [Sch. 3 para. 14](#) in force at 6.4.2007 by [S.I. 2007/123](#), art. 3(2), [Sch. 2](#)

- 15 (1) The repeal by this Act of sections 137 to 140 of the 1974 Act shall not affect the court's power to reopen an existing agreement under those sections as set out in this paragraph.
- (2) The court's power to reopen an existing agreement which—
- (a) became a completed agreement before the commencement of section 22(3) of this Act, or
 - (b) becomes a completed agreement during the transitional period,
- is not affected at all.
- (3) The court may also reopen an existing agreement—
- (a) on an application of the kind mentioned in paragraph (a) of subsection (1) of section 139 made at a time before the end of the transitional period; or

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- (b) at the instance of the debtor or a surety in any proceedings of the kind mentioned in paragraph (b) or (c) of that subsection which were commenced at such a time.
- (4) Nothing in section 16A or 16B of the 1974 Act shall affect the application of sections 137 to 140 (whether by virtue of this paragraph or otherwise).
- (5) The repeal or revocation by this Act of the following provisions has no effect in relation to existing agreements so far as they may be reopened as set out in this paragraph—
- (a) section 16(7) of the 1974 Act;
 - (b) in section 143(b) of that Act, the words “, 139(1)(a)”;
 - (c) section 171(7) of that Act;
 - (d) in subsection (1) of section 181 of that Act, the words “139(5) and (7),”;
 - (e) in subsection (2) of that section, the words “or 139(5) or (7)”;
 - (f) in section 61(6) of the Bankruptcy (Scotland) Act 1985 (c. 66), the words from the beginning to “but”;
 - (g) in section 343(6) of the Insolvency Act 1986 (c. 45), the words from the beginning to “But”;
 - (h) Article 316(6) of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)).
- (6) Expressions used in sections 137 to 140 of the 1974 Act have the same meaning in this paragraph as they have in those sections.
- (7) In this paragraph—
- “existing agreement” means a credit agreement made before the commencement of section 22(3) of this Act;
- “the transitional period” means the period of one year beginning with the day of the commencement of section 22(3).
- (8) An order under section 69 of this Act may extend, or further extend, the transitional period.

Commencement Information

I2 [Sch. 3 para. 15](#) in force at 6.4.2007 by [S.I. 2007/123, art. 3\(2\)](#), [Sch. 2](#)

- 16 (1) It is immaterial for the purposes of section 140C(4)(a) to (c) of the 1974 Act when (as the case may be) a credit agreement or a linked transaction was made or a security was provided.
- (2) In relation to an order made under section 140B of the 1974 Act during the transitional period in connection with a credit agreement—
- (a) references in subsection (1) of that section to any related agreement shall not include references to a related agreement to which this sub-paragraph applies;
 - (b) the reference to a security in paragraph (d) of that subsection shall not include a reference to a security to which this sub-paragraph applies;
- and the order shall not under paragraph (g) of that subsection direct accounts to be taken, or (in Scotland) an accounting to be made, between any persons in relation to a related agreement to which this sub-paragraph applies.

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- (3) Sub-paragraph (2) applies to a related agreement or a security if—
 - (a) it was made or provided before the commencement of section 21 of this Act; and
 - (b) it ceased to have any operation before the order under section 140B is made.
- (4) In relation to an order made under section 140B after the end of the transitional period in connection with a credit agreement—
 - (a) references in subsection (1) of that section to any related agreement shall not include references to a related agreement to which this sub-paragraph applies;
 - (b) the reference to a security in paragraph (d) of that subsection shall not include a reference to a security to which this sub-paragraph applies;and the order shall not under paragraph (g) of that subsection direct accounts to be taken, or (in Scotland) an accounting to be made, between any persons in relation to a related agreement to which this sub-paragraph applies.
- (5) Sub-paragraph (4) applies to a related agreement or a security if—
 - (a) it was made or provided before the commencement of section 21; and
 - (b) it ceased to have any operation before the end of the transitional period.
- (6) Expressions used in sections 140A to 140C of the 1974 Act have the same meanings in this paragraph as they have in those sections.
- (7) In this paragraph “the transitional period” means the period of one year beginning with the day of the commencement of section 21.
- (8) An order under section 69 of this Act may extend, or further extend, the transitional period.

Commencement Information

I3 Sch. 3 para. 16 in force at 6.4.2007 by S.I. 2007/123, art. 3(2), Sch. 2

PROSPECTIVE

17 Section 1 of this Act shall have no effect for the purposes of section 140C(1) of the 1974 Act in relation to agreements made before the commencement of section 1.

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