



Consumer Credit Act 2006

2006 CHAPTER 14

Civil penalties

53 Further provision relating to civil penalties

(1) After section 39A of the 1974 Act (inserted by section 52 of this Act) insert—

“39B Further provision relating to civil penalties

- (1) Before determining to impose a penalty on a person under section 39A the OFT shall give a notice to that person—
 - (a) informing him that it is minded to impose a penalty on him;
 - (b) stating the proposed amount of the penalty;
 - (c) setting out its reasons for being minded to impose a penalty on him and for proposing that amount;
 - (d) setting out the proposed period for the payment of the penalty; and
 - (e) inviting him to submit representations to it about the matters mentioned in the preceding paragraphs in accordance with section 34.
- (2) In determining whether and how to exercise its powers under section 39A in relation to a person's failure, the OFT shall have regard to (amongst other things)—
 - (a) any penalty or fine that has been imposed on that person by another body in relation to the conduct giving rise to the failure;
 - (b) other steps that the OFT has taken or might take under this Part in relation to that conduct.
- (3) General notice shall be given of the imposition of a penalty under section 39A on a person who is a responsible person in relation to a group licence.
- (4) That notice shall include the matters set out in the notice imposing the penalty in accordance with section 39A(2)(a) and (b).”

Status: This is the original version (as it was originally enacted).

- (2) In the Table in section 41 of that Act (appeals) before the entry relating to “refusal to make order under section 40(2) in accordance with terms of application” insert the following entry—

“Imposition of penalty under section 39A.	The person on whom the penalty is imposed.”
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- (3) In section 181 of that Act (power to alter monetary limits etc.)—
- (a) in subsection (1) before “70(6)” insert “39A(3),”;
 - (b) in subsection (2) before “75(3)(b)” insert “39A(3),”.