
STATUTORY INSTRUMENTS

1983 No. 1551 (C.44)

CONSUMER CREDIT

**The Consumer Credit Act 1974
(Commencement No. 8) Order 1983**

Made - - - - 24th October 1983

The Secretary of State, in exercise of the powers conferred on him by sections 182(2) and 192(2) and (4) of the Consumer Credit Act 1974 and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and interpretation

1.—(1) This Order may be cited as the Consumer Credit Act 1974 (Commencement No. 8) Order 1983.

(2) In this Order, “the Act” means the Consumer Credit Act 1974.

Appointment of day

2.—(1) For the purposes of paragraphs 3, 13, 14, 16 to 18, 20 to 38, 41 and 43 of Schedule 3 to the Act, the appointed day shall be 19th May 1985.

(2) For the purposes of paragraph 39 of Schedule 3 to the Act, the appointed day shall be 19th May 1985 but only in respect of articles taken in pawn under a regulated consumer credit agreement.

Amendment of Schedule 3 to the Act

3. Schedule 3 to the Act shall be amended so as to insert express references to the days appointed by Article 2 above by the substitution—

(a) for the words “the day appointed for the purposes of this paragraph” wherever they occur—

(i) in each of the paragraphs specified in Article 2(1) above of the words “19th May 1985”; and

(ii) in paragraph 39 of the words “19th May 1985 but only in respect of articles taken in pawn under a regulated consumer credit agreement”; and

(b) for the words “the day appointed for the purposes of paragraph 17” wherever they occur in paragraph 49 of the words “19th May 1985” .

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Amendment of other enactments

4. The amendments specified in Schedule 4 to the Act which are set out in Schedule 1 to this Order shall come into operation on 19th May 1985 and shall have effect subject to the limitations there specified.

Repeals

5. Subject to Article 6 below, the repeals specified in Schedule 5 to the Act which are set out in Schedule 2 to this Order shall come into operation on 19th May 1985.

6.—(1) Subject to paragraph (2) below, nothing in this Order shall affect the application of the Hire-Purchase Act 1965, the Hire-Purchase (Scotland) Act 1965 or the Hire-Purchase Act (Northern Ireland) 1966 (all which Acts are in this Article together referred to as “the Hire-Purchase Acts”), or any enactment mentioned in Column 3 of Schedule 2 to this Order which expressly refers to the Hire-Purchase Acts, to hire-purchase agreements, conditional sale agreements and credit-sale agreements within the meaning of those Acts made, or guarantees and indemnities relating to such agreements provided by a guarantor, before 19th May 1985.

(2) Paragraph (1) above does not apply to sections 21, 23, 25, 26 and 30 of the Hire-Purchase Acts in so far as they apply to an agreement made before 19th May 1985 which would have been a regulated agreement if made on that day.

(3) Nothing in this Order shall affect the application of the Moneylenders Acts 1900 to 1927⁽¹⁾, the Moneylenders Act (Northern Ireland) 1933 or the Moneylenders (Amendment) Act (Northern Ireland) 1969 (except section 8 of the Moneylenders Act 1927 or of the Moneylenders Act (Northern Ireland) 1933), or any enactment mentioned in Column 3 of Schedule 2 to this Order which expressly refers to those Acts, to agreements made with, or any loan made by or security taken by, a moneylender within the meaning of those Acts before 19th May 1985.

(4) Nothing in this Order shall affect the application of the Pawnbrokers Acts 1872 and 1960 or the Pawnbrokers Act (Northern Ireland) 1954, or any enactment mentioned in Column 3 of Schedule 2 to this Order referring to those Acts or to pledges or pawnbrokers, to pledges within the meaning of those Acts taken in pawn before 19th May 1985.

24th October 1983

Alexander Fletcher
Parliamentary Under-Secretary of State
Department of Trade and Industry

(1) 1900 c. 51 and 1927 c. 21.

SCHEDULE 1

Article 4

MINOR AND CONSEQUENTIAL AMENDMENTS
SPECIFIED IN SCHEDULE 4 TO THE ACT

PART I
UNITED KINGDOM

<i>Paragraph of Schedule 4 to the Act</i>	<i>Chapter</i>	<i>Short Title</i>	<i>Agreements in relation to which amendments not to have effect</i>
1	1882 c. 43.	Bills of Sale Act (1878) Amendment Act 1882.	
2	1889 c. 45.	Factors Act 1889.	
5	1908 c. 53.	Law of Distress Amendment Act 1908.	Consumer hire agreements
6	1914 c. 59.	Bankruptcy Act 1914.	
7, 8	1939 c. 75	Compensation (Defence) Act 1939.	
9	1939 c. 102	Liability for War Damage (Miscellaneous Provisions) Act 1939.	
10	1950 c. 17.	Agriculture (Miscellaneous Provisions) Act 1950.	
11	1951 c. 63.	Rag Flock and Other Filling Materials Act 1951.	
12 to 14	1951 c. 65.	Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951.	
15, 16	1956 c. 52.	Clean Air Act 1956.	
17	1956 c. 68.	Restrictive Trade Practices Act 1956(2).	
18	1957 c. 56.	Housing Act 1957.	
20, 21	1961 c. 40.	Consumer Protection Act 1961.	
22	1964 c. 53.	Hire-Purchase Act 1964.	

(2) Section 26(3) was repealed and re-enacted in Schedule 1 to the Resale Prices Act 1976 (c. 53).

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<i>Paragraph of Schedule 4 to the Act</i>	<i>Chapter</i>	<i>Short Title</i>	<i>Agreements in relation to which amendments not to have effect</i>
23	1964 c. 60.	Emergency Laws (Re-enactments and Repeals) Act 1964.	
27	1966 c. 49.	Housing (Scotland) Act 1966.	
29	1970 c. 10.	Income and Corporation Taxes Act 1970.	
30, 31	1970 c. 31.	Administration of Justice Act 1970.	
32	1971 c. 10.	Vehicles (Excise) Act 1971.	
33	1972 c. 63.	Industry Act 1972.	
35, 36	1973 c. 13.	Supply of Goods (Implied Terms) Act 1973.	
37	1973 c. 41.	Fair Trading Act 1973.	

PART II

NORTHERN IRELAND

<i>Paragraph of Schedule 4 to the Act</i>	<i>Chapter</i>	<i>Short Title</i>
38	1857 c. 60.	Irish Bankrupt and Insolvent Act 1857.
39	1883 c. 7.	Bills of Sale (Ireland) Act (1879) Amendment Act 1883.
40	1939 c. 36(N.I.).	Liability for War Damage (Miscellaneous Provisions) Act (Northern Ireland) 1939.
46, 47	1965 c. 14(N.I.).	Consumer Protection Act (Northern Ireland) 1965.
49	1966 c. 42(N.I.).	Hire-Purchase Act (Northern Ireland) 1966.
50	1972 c. 10(N.I.).	Vehicles (Excise) Act (Northern Ireland) 1972.

SCHEDULE 2

Article 5

REPEALS

PART I

UNITED KINGDOM

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1835 c. 62.	Statutory Declarations Act 1835.	Section 12.
1839 c. 47.	Metropolitan Police Act 1839.	Section 50.
1839 c. 71.	Police Courts (Metropolis) Act 1839.	In section 27 the words “pawned, pledged” and the words “or of any person who shall have advanced money upon the credit of such goods”.
		In section 28 the words “pawned, pledged or” (in each place).
1872 c. 93.	Pawnbrokers Act 1872.	The whole Act, so far as unrepealed.
1891 c. 50.	Commissioners for Oaths Act 1891.	In section 1, the words “or the Pawnbrokers Act 1872”.
1892 c. 55.	Burgh Police (Scotland) Act 1892.	In section 453, the words “and all offences committed against the provisions of the Pawnbrokers Act 1872,” .
1897 c. 30.	Police (Property) Act 1897.	In section 1(1), the words “or section thirty-four of the Pawnbrokers Act 1872” .
1900 c. 51.	Moneylenders Act 1900.	The whole Act, so far as unrepealed.
1908 c. 53.	Law of Distress Amendment Act 1908.	In section 4(1) the words “bill of sale, hire purchase agreement or”.
1927 c. 21.	Moneylenders Act 1927.	The whole Act, so far as unrepealed.
1933 c. 12.	Children and Young Persons Act 1933.	Section 8.
1937 c. 37.	Children and Young Persons (Scotland) Act 1937.	Section 19.
1939 c. 75.	Compensation (Defence) Act 1939.	In section 18(1) the words from “the expression ‘hire purchase agreement’” to “omitted”.

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<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1939 c. 102.	Liability for War Damage (Miscellaneous Provisions) Act 1939.	Sections 4 and 6(b).
1940 c. 42.	Law Reform (Miscellaneous Provisions) (Scotland) Act 1940.	In section 4(2), paragraphs (b) and (c).
1945 c. 16.	Limitation (Enemies and War Prisoners) Act 1945.	In section 2, the words “subsection (1) of section thirteen of the Moneylenders Act 1927”.
		In section 4, the words “subsection (1) of section thirteen of the Moneylenders Act 1927”.
1960 c. 24.	Pawnbrokers Act 1960.	The whole Act.
1964 c. 53.	Hire-Purchase Act 1964.	The whole Act, except Part III and section 37.
1964 c. 60.	Emergency Laws (Re-enactments and Repeals) Act 1964.	Section 1(4).
1965 c. 66.	Hire-Purchase Act 1965.	The whole Act.
1965 c. 67.	Hire-Purchase (Scotland) Act 1965.	The whole Act.
1967 c. 81.	Companies Act 1967.	Sections 123 to 125.
1969 c. 19.	Decimal Currency Act 1969.	In Schedule 2, paragraph 2 .
1969 c. 48.	Post Office Act 1969.	In Schedule 4, paragraph 31.
1971 c. 23.	Courts Act 1971.	In Schedule 9, Part I, the entry relating to the Pawnbrokers Act 1872 .

PART II

NORTHERN IRELAND

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of Repeal</i>
1933 c. 23(N.I.) .	Moneylenders Act (Northern Ireland) 1933.	The whole Act, so far as unrepealed.
1939 c. 36(N.I.).	Liability for War Damage (Miscellaneous Provisions) Act (Northern Ireland) 1939.	In section 5(1) the definition of “hire-purchase agreement”.
1949 c. 2(N.I.).	Agriculture Act (Northern Ireland) 1949.	Section 7(2).
1954 c. 30(N.I.).	Pawnbrokers Act (Northern Ireland) 1954.	The whole Act, so far as unrepealed.

Chapter	Short Title	Extent of Repeal
1966 c. 42(N.I.).	Hire-Purchase Act (Northern Ireland) 1966.	The whole Act so far as unrepealed, except Part VI and section 68.
1967 c. 29(N.I.).	Increase of Fines Act (Northern Ireland) 1967.	In Part I of the Schedule the entry relating to section 16(1) of the Moneylenders Act (Northern Ireland) 1933.
1968 c. 28(N.I.).	Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968.	In Schedule 2 the entry relating to section 16(1) of the Moneylenders Act (Northern Ireland) 1933.
1969 c. 24(N.I.).	Industrial and Provident Societies Act (Northern Ireland) 1969.	Section 96.
1969 c. 27(N.I.).	Moneylenders (Amendment) Act (Northern Ireland) 1969.	The whole Act.
1969 c. 30(N.I.).	Judgments (Enforcement) Act (Northern Ireland) 1969.	In Schedule 4 the amendments of the Hire-Purchase Act (Northern Ireland) 1966.

EXPLANATORY NOTE

This Order brings into operation those provisions of the Consumer Credit Act 1974 which are not yet in operation, except sections 123 to 125 (which relate to negotiable instruments), by appointing 19th May 1985 for the purposes of the relevant paragraphs of Schedule 3 to that Act (which contains transitional and commencement provisions).

The Order completes, with that one exception, the establishment of the new procedures for the protection of consumers who enter into consumer credit or hire agreements. These procedures replace those in existence under the present legislation dealing with moneylenders, pawnbrokers and hire-purchase traders and their transactions.

It should be noted that sections 114 to 122 (which relate to pledges) are brought into operation only in respect of articles taken in pawn under a consumer credit agreement regulated by the Act.

Articles 3 to 6 introduce consequential amendments and repeals with savings in respect of certain agreements made, and transactions carried out, before 19th May 1985. By virtue of paragraphs 16, 17, 20–22, 35, 37 and 38 of Schedule 3 to the Act, certain sections of the Act apply to an agreement made before that day where the agreement would have been a regulated agreement if made on that day.

NOTE AS TO EARLIER COMMENCEMENT ORDERS UNDER THE CONSUMER CREDIT ACT 1974

The provisions of the Act came into operation on its passing, that is on 31st July 1974, except as otherwise mentioned in Schedule 3 to the Act. The following provisions of the Act have been brought

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into force by the Commencement Orders listed below made before the date of this Order for the purposes of Schedule 3 and in certain cases the Orders have amended provisions of Schedule 3. Certain of the amendments to other Acts contained in Schedule 4 and certain of the repeals contained in Schedule 5 have also been brought into force. A list of these latter provisions is available to enquirers at the Department of Trade and Industry at Millbank Tower, Millbank, London SW1P 4QU.

<i>Paragraph of Schedule 3 to the Act</i>	<i>Provision</i>	<i>S.I. No.</i>
1	Certain consumer credit and consumer hire agreements made on or after 1st April 1977 to be regulated agreements	1977/325
5	Section 21 to apply to consumer credit businesses, subject to certain exceptions, and to consumer hire businesses, carried on on or after 1st October 1977	1977/325
6	Sections 35 and 36 (operative 2nd February 1976)	1975/2123
7	Section 40 to apply to regulated agreements made in the course of any business on or after the day specified or referred to in paragraph 5(1) of Schedule 3 in relation to the description of business in question	1977/325 showing provision as amended
8	Part IV to apply to advertisements published on or after 6th October 1980	1980/50
9	Section 49 (operative 1st October 1977)	1977/802
10	Section 50 (operative 1st July 1977)	1977/802
11	Section 51(1) to apply to the giving of a credit-token on or after 1st July 1977	1977/802
12	Section 56 to apply to regulated agreements where negotiations begin after 16th May 1977	1977/325
15	Section 75 (operative 1st July 1977 but only in relation to agreements made on or after that date)	1977/802
19	Section 82 (operative 1st April 1977)	1977/325
42	Sections 137 to 140 (operative 16th May 1977 in relation to agreements and transactions whenever made)	1977/325
44	Section 21(1) to apply (by virtue of section 147(1)) to ancillary credit businesses (except credit brokerage businesses) carried on on or after 3rd August 1976	1975/2123
	Section 21(1) to apply (by virtue of section 147(1)), subject to certain exceptions, to credit brokerage businesses carried on on or after 1st July 1978	1977/2163

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<i>Paragraph of Schedule 3 to the Act</i>	<i>Provision</i>	<i>S.I. No.</i>
45	Section 148(1) to apply to agreements made on or after 3rd August 1976 in the course of ancillary credit businesses except credit brokerage businesses	1975/2123
	Section 148(1) to apply to agreements made on or after 1st July 1978 in the course of credit brokerage businesses, subject to certain exceptions	1977/2163
46	Section 149 to apply to regulated agreements made on introductions effected on or after 1st July 1978 in the course of credit brokerage businesses	1977/2163
47	Sections 151(1) and (2) to apply to advertisements published on or after 6th October 1980	1980/50
48	Sections 157 and 158 to apply to requests for information received on or after 16th May 1977	1977/325