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STATUTORY INSTRUMENTS

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**1983 No. 1554**

**CONSUMER CREDIT**

**The Consumer Credit (Payments  
Arising On Death) Regulations 1983**

<i>Made</i>	- - - -	<i>20th October 1983</i>
<i>Laid before Parliament</i>		<i>3rd November 1983</i>
<i>Coming into Operation</i>		<i>19th May 1985</i>

The Secretary of State, in exercise of the powers conferred on him by sections 74(1)(c), 182(2) and 189(1) of the Consumer Credit Act 1974 and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Consumer Credit (Payments Arising on Death) Regulations 1983 and shall come into operation on 19th May 1985.

(2) In these Regulations, “the Act” means the Consumer Credit Act 1974.

**Payments arising on, or connected with, the death of a person**

2. The following payments are hereby prescribed for the purposes of section 74(1)(c) of the Act (which, together with section 74(3), provides, where the Director so determines, for exclusion from Part V of the Act, except section 56, of debtor-creditor agreements to finance the making of prescribed payments arising on, or connected with, the death of a person), that is to say, payments being:—

- (a) capital transfer tax chargeable in the United Kingdom on the death of any person;
- (b) fees payable to a court—
  - (i) in England, Wales or Northern Ireland on an application for a grant of probate or of letters of administration;
  - (ii) in Scotland, in connection with a grant of confirmation; and
  - (iii) in the United Kingdom, on an application for resealing of a Commonwealth or colonial grant of probate or of letters of administration; and
- (c) payments in England, Wales or Northern Ireland to a surety in connection with a guarantee required as a condition of a grant of letters of administration or payments in Scotland to a

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cautioner in connection with a bond of caution required as a condition of issuing a grant of confirmation.

24th October 1983

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

### EXPLANATORY NOTE

Section 74(1)(c) and (3) of the Consumer Credit Act 1974 provides that, where the Director General of Fair Trading so determines, Part V of the Act (entry into credit or hire agreements), except section 56, does not apply to a debtor-creditor agreement to finance the making of such payments arising on, or connected with, the death of a person as may be prescribed. These Regulations prescribe certain payments for that purpose. These are:—

- (a) payments of capital transfer tax;
- (b) payments of certain court fees relating to a grant of representation (or in Scotland of confirmation);
- (c) payments to a surety (or in Scotland to a cautioner) in relation to certain of such grants.