

SCHEDULE 1

Article 4(1)

Consequential amendments to primary legislation

Consumer Credit Act 1974

1. The Consumer Credit Act 1974(1) is amended as follows.
2. In section 2(7) (powers of Secretary of State) for “Tribunal” substitute “First-tier Tribunal”.
3. Omit section 40A (the Consumer Credit Appeals Tribunal).
4. In section 41 (appeals to the Secretary of State under Part 3)—
 - (a) in the heading for “Secretary of State” substitute “First-tier Tribunal”;
 - (b) in subsection (1) for “Tribunal” substitute “First-tier Tribunal”; and
 - (c) omit subsections (1A) to (1D).
5. After section 41 insert—

“Tribunal Procedure Rules: suspension of OFT determinations

41ZA. In the case of appeals to the First-tier Tribunal under section 41, Tribunal Procedure Rules may make provision for the suspension of determinations of the OFT.

Disposal of appeals

41ZB.—(1) The First-tier Tribunal shall decide an appeal under section 41 by way of a rehearing of the determination appealed against.

(2) In disposing of an appeal under section 41 the First-tier Tribunal may do one or more of the following—

- (a) confirm the determination appealed against;
- (b) quash that determination;
- (c) vary that determination;
- (d) remit the matter to the OFT for reconsideration and determination in accordance with the directions (if any) given to it by the tribunal;
- (e) give the OFT directions for the purpose of giving effect to its decision.

(3) In the case of an appeal under section 41 against a determination to impose a penalty, the First-tier Tribunal—

- (a) has no power by virtue of subsection (2)(c) to increase the penalty;
- (b) may extend the period within which the penalty is to be paid (including in cases where that period has already ended).

(4) Subsection (3) does not affect—

- (a) the tribunal’s power to give directions to the OFT under subsection (2)(d); or
- (b) what the OFT can do where a matter is remitted to it under subsection (2)(d).

(1) 1974 c. 39. Section 2(7) was amended by section 58(1) of the Consumer Credit Act 2006 (c.14). Sections 40A, 41(1A) to (1D), 41A and 182(1A) were inserted by sections 55, 56(2), 57 and 58(2) of the 2006 Act respectively and section 41(1) was amended by section 56(1) of that Act. Section 182(2) was amended by section 58(3) of the 2006 Act. In section 189(1) the definition of “the Tribunal” was inserted by, and the definition of “appeal period” was amended by, section 58(4) of the 2006 Act and subsection (1A) was inserted by section 27(3) of the 2006 Act. Schedule A1 was inserted by section 55(2) of, and Schedule 1 to, the 2006 Act and amended by paragraph 11 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (c.15).

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(5) Where the First-tier Tribunal remits a matter to the OFT, it may direct that the requirements of section 34 of this Act are not to apply, or are only to apply to a specified extent, in relation to the OFT's reconsideration of the matter.

(6) Subject to subsections (7) and (8), where the First-tier Tribunal remits an application to the OFT, section 6(1) and (3) to (9) of this Act shall apply as if the application had not been previously determined by the OFT.

(7) In the case of a general notice which came into effect after the determination appealed against was made but before the application was remitted, the applicant shall provide any information or document which he is required to provide under section 6(6) within—

- (a) the period of 28 days beginning with the day on which the application was remitted; or
- (b) such longer period as the OFT may allow.

(8) In the case of—

- (a) any information or document which was superseded,
- (b) any change in circumstances which occurred, or
- (c) any error or omission of which the applicant became aware,

after the determination appealed against was made but before the application was remitted, any notification that is required to be given by the applicant under section 6(7) shall be given within the period of 28 days beginning with the day on which the application was remitted.”.

6. Omit section 41A (appeals from the Consumer Credit Appeals Tribunal).

7. In section 182 (regulations and orders)—

- (a) omit subsection (1A); and
- (b) in subsection (2)—
 - (i) omit “or rules” wherever occurring;
 - (ii) omit “or by the Lord Chancellor”; and
 - (iii) in paragraph (c), for “person making them” substitute “Secretary of State”.

8. In section 189 (definitions)—

- (a) in subsection (1)—
 - (i) in the definition of “appeal period” for “Tribunal” substitute “First-tier Tribunal”; and
 - (ii) omit the definition of “the Tribunal”; and
- (b) in subsection (1A) omit “and paragraphs 14 and 15 of Schedule A1”.

9. Omit Schedule A1 (the Consumer Credit Appeals Tribunal).

Tribunals and Inquiries Act 1992

10. In Part 1 of Schedule 1 to the Tribunals and Inquiries Act 1992⁽²⁾ (tribunals under direct supervision of the Council on Tribunals) omit the entry at paragraph 9B relating to consumer credit.

(2) 1992 c. 53. The entry in relation to the Consumer Credit Appeals Tribunal was inserted by section 58(5) of the Consumer Credit Act 2006 (c.14).

Counter-Terrorism Act 2008

11. In paragraph 28 of part 6 of Schedule 7 to the Counter-Terrorism Act 2008⁽³⁾ (appeal against imposition of civil penalty)—

- (a) omit sub-paragraph (6)(c); and
- (b) in sub-paragraph (7) for “, (b) or (c)” substitute “or (b)”.

⁽³⁾ 2008 c. 28. As amended by paragraph 4 of the Schedule to the Revenue and Customs Appeals Order 2009 (S.I. 2009/777)