

## Bennion on Statute Law

### Appendices

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## Appendix B - Illustration of the Composite Restatement Method

(Consumer Credit Control Division 9: Information on Credit Reference Agency Files)

### Part I: Analysis

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## **Part II: Restatement**

9§5 Duty to disclose names and addresses of agencies consulted 9§5A *Duty of creditor*

(1) The 'creditor' under an actual or prospective 'consumer credit agreement' (being a 'regulated agreement' or 'prospective regulated agreement') must comply with the following provisions as from 16 May 1977.

### **DUTY TO INFORM CREDIT-BROKER**

(2) Not later than he informs a 'credit-broker' that he is not willing to make the agreement, the creditor (if he is a 'licensee')

(3) unless he informs the 'debtor' directly that he is not willing to make the agreement

(4) must inform the credit-broker of the name and address of any 'credit reference agency'

(5) from which the creditor has during the 'antecedent negotiations' applied for information about the financial standing of the debtor.

### **DUTY TO INFORM DEBTOR**

(6) Within seven 'working days' after receiving a *valid* request to that effect from the debtor

(7) the creditor must 'give' the debtor a notice in 'writing'

(8) stating the name and address of any credit reference agency

(9) from which the creditor has during the antecedent negotiations applied for information about the financial standing of the debtor.

### **Source**

*Consumer Credit Act 1974, ss 26, 147, 157 and 189(1); Consumer Credit (Conduct of Business) (Credit References) Regulations 1977, reg 2.*

### **Interpretation**

'creditor' see 1§920

'debtor' see 1§1020

'consumer credit agreement'

'credit reference agency'

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see I§500	see I§840	
'regulated agreement' see I§2560	'antecedent negotiations' 'prospective regulated agreement'	see I§100
see I§2440	'working day' see I§3200	
'credit-broker' see I§760	'give' see I§1500	
'licensee' see I§1860	'writing' see I§3220	

*9§5B Duty of owner*

(1) The 'owner' under an actual or prospective 'consumer hire agreement' (being a 'regulated agreement' or 'prospective regulated agreement') must comply with the following provisions as from 16 May 1977.

**DUTY TO INFORM CREDIT-BROKER**

- (2) Not later than he informs a 'credit-broker' that he is not willing to make the agreement, the owner (if he is a 'licensee')
- (3) unless he informs the 'hirer' directly that he is not willing to make the agreement
- (4) must inform the credit-broker of the name and address of any 'credit reference agency'
- (5) from which the owner has during the 'antecedent negotiations' applied for information about the financial standing of the hirer.

**DUTY TO INFORM HIRER**

- (6) Within seven 'working days' after receiving a *valid* request to that effect from the hirer
- (7) the owner must 'give' the hirer a notice in 'writing'
- (8) stating the name and address of any credit reference agency
- (9) from which the owner has during the antecedent negotiations applied for information about the financial standing of the hirer.

**Source**

*Consumer Credit Act 1974, ss 26, 147, 157 and 189(1); Consumer Credit (Conduct of Business) (Credit References) Regulations 1977, reg 2.*

**Interpretation**

'owner' see I§2160	'licensee' see I§1860
'consumer hire agreement' 'hirer' see I§560	'hirer' see I§1620
'regulated agreement' see I§2560	'credit reference agency' see I§840
'prospective regulated agreement' see I §2440	'antecedent negotiations' see I§100
'credit-broker' see I§760	'working day' see I§3200
	'give' see I§1500
	'writing' see I§3220

*9§5C Duty of credit-broker where goods sold by him to creditor*

- (1) As from 16 May 1977, a 'credit-broker' engaging in 'antecedent negotiations' falling within *I§100B*
- (2) within seven 'working days' after receiving a *valid* request to that effect from the 'debtor'

- (3) must give the debtor a notice in 'writing'
  - (4) stating the name and address of any 'credit reference agency'
  - (5) from which the credit-broker has during the antecedent negotiations applied for information about the financial standing of the debtor
- or*
- (6) of which the credit-broker has been informed under 9§5A (4).

**Source**

*Consumer Credit Act 1974, ss 26, 147, 157 and 189(1); Consumer Credit (Credit Reference Agency) Regulations 1977, reg 3; Consumer Credit (Conduct of Business) (Credit References) Regulations 1977, reg 3.*

**Interpretation**

'credit-broker' see 1§760	'debtor' see 1§1020
'antecedent negotiations' see 1§100	'writing' see 1§3220
'working day' see 1§3200	'credit reference agency' see 1§84