

Bennion on Statute Law

Appendices

*** Page 346

Appendix B - Illustration of the Composite Restatement Method

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

Part I: Analysis

- 9§5 Duty to disclose names and addresses of agencies consulted
- 9§5A Duty of creditor
- 9§5B Duty of owner
- 9§5C Duty of credit-broker where goods sold by him to creditor
- 9§5D Duty of credit-broker in other cases
- 9§5E Duty of connected supplier
- 9§5F Breach of duty an offence in certain cases
- 9§5G When request valid
- 9§ 10 Duty of agency to give consumer copy of his file 9§10A Nature of duty
- 9§10B Requirements to be observed by consumer 9§10C Breach of duty an offence
- 9§20 Duty of agency where no file kept 9§20A Nature of duty 9§20B Breach of duty an offence
- 9§30 Alternative procedure for business consumers (section 160 direction)
- 9§40 Section 160 direction: giving of information to consumer 9§40A Nature of duty 9§40B Breach of duty an offence
- 9§50 Section 160 direction: obtaining of further information by consumer 9§50A Nature of duty 9§50B Breach of duty an offence
- 9§60 Notice requiring amendment of file
- 9§70 Response to notice requiring amendment of file

9§80 Requirement to add notice of correction to file 9§80A Nature of requirement 9§80B
Period for serving requirement

9§90 Response to requirement to add notice of correction to file 9§90A Where agency
considers notice of correction unsi 9§90B Duty to notify consumer 9§90C Consumer's right
when not notified 9§90D Duty to notify clients of agency

9§100 Order by Director General as to notice of correction 9§ 100A Making of order 9§100B
Duty to notify clients of agency

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'

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