



CONSUMER CREDIT ACT 1974

GENERAL NOTICE NO. 34

GENERAL DETERMINATIONS UNDER SECTION 74(3)

I, Gordon Johnson Borrie, Director General of Fair Trading, hereby give general notice pursuant to Section 4 of the Consumer Credit Act 1974 that with effect from 1st February 1990 I revoke the general determinations made by me on 3rd November 1983 in respect of Section 74(1)(b) and (c). A general determination in respect of Section 74(1)(b) and a general determination in respect of Section 74(1)(c) of the Act, to permit non-compliance with the requirements of Part V of the Act in respect of certain agreements, have today been issued to all banks within the meaning of the Bankers' Books Evidence Act 1879 as amended and will come into effect on 1st February 1990.

A handwritten signature in cursive script, reading "Gordon Borrie".

Office of Fair Trading
Field House
Bream's Buildings
LONDON EC4A 1PR

Director General of Fair Trading
21 December 1989



**CONSUMER CREDIT ACT 1974
DETERMINATION IN RESPECT OF SECTION 74(1)(b)**

1. Under the powers conferred upon me by Sections 74(3) and (3A) and 183 of the Consumer Credit 1974, I, the Director General, being satisfied that it would not be against the public interest to do so, hereby revoke with effect from 1st February 1990 the Determination made by me in respect of Section 74(1)(b) and dated 3 November 1983 and now determine that with effect from 1st February 1990 Section 74(1)(b) shall apply to every debtor-creditor agreement enabling the debtor to overdraw on a current account, under which the creditor is a bank.
2. This Determination is made subject to the following conditions:-
 - (a) that the creditor shall have informed my Office in writing of his general intention to enter into agreements to which the Determination will apply;
 - (b) that where there is an agreement between a creditor and a debtor for the granting of credit in the form of an advance on a current account, the debtor shall be informed at the time or before the agreement is concluded;
 - of the credit limit, if any,
 - of the annual rate of interest and the charges applicable from the time the agreement is concluded and the conditions under which these may be amended,
 - of the procedure for terminating the agreement;and this information shall be confirmed in writing.
 - (c) that where a debtor overdraws his current account with the tacit agreement of the creditor and that account remains overdrawn for more than 3 months, the creditor must inform the debtor in writing not later than 7 days after the end of that 3 month period of the annual rate of interest and charges applicable.



3. In this Determination the terms 'creditor' and 'debtor' shall have the meanings assigned to them respectively by Section 189 of the Consumer Credit Act 1974. The term 'bank' includes the Bank of England and banks within the meaning of the Bankers' Books Evidence Act 1879 as amended.

Sada Banie

Director General of Fair Trading

21 December 1989

Office Of Fair Trading
Field House
Bream's Buildings
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CONSUMER CREDIT ACT 1974

DETERMINATION IN RESPECT OF SECTION 74(1)(c)

1. Under the powers conferred upon me by Section 74(3) of the Consumer Credit Act 1974, I, the Director General, being satisfied that it would not be against the interests of debtors to do so, hereby revoke with effect from 1st February 1990 the Determination made by me in respect of section 74(1)(c) and dated 3 November 1983, and now determine that with effect from 1st February 1990 Section 74(1)(c) shall apply to every debtor-creditor agreement to finance the making of the following payments:

- (a) discharge of capital transfer tax chargeable in the United Kingdom on the death of any person;
- (b) fees payable to a court in the United Kingdom on an application for a grant of probate or of Letters of Administration, or, in Scotland on a petition for confirmation; and
- (c) payments to a surety in connection with a guarantee required as a condition of such a grant of Letters of Administration or, in Scotland in connection with a bond of caution required as a condition of a grant of confirmation;

under which the Creditor is the Bank of England or a bank.

2. This determination is made subject to the following conditions:

- (a) that the creditor has informed my Office in writing of his general intention to enter into agreements to which this determination applies;
- (b) that the interest due under the agreement be calculated on a daily, weekly or monthly basis on the outstanding balance shown on the account, or some lesser amount;
- (c) that in the event of repayment of the borrowing, the interest under the agreement is charged up to but not beyond the date of repayment;
- (d) that the debtor under the agreement is an individual acting in the course of his trade or profession.



3. In this Determination the terms 'creditor' and 'debtor' shall have the meanings assigned to them respectively by Section 189 of the Consumer Credit Act 1974. The term 'bank' includes the Bank of England and banks within the meaning of the Bankers' Books Evidence Act 1879 as amended.

Sada Bowie

Director General of Fair Trading

21 December 1989

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