

## Chapter 20

# Enforcement of the Consumer Credit Act 1974

## 20.3 Decision making under the CCA Order

- 20.3.1** The *RDC* is the *FCA*'s decision maker for decisions which require the giving of warning or decision notices under the *CCA Order*, as set out in ■ DEPP 2 Annex 1G. The *RDC* will make its decisions following the procedure set out in ■ DEPP 3.2 or, where appropriate, ■ DEPP 3.3.
- 20.3.2** The *CCA Order* does not require the *FCA* to publish procedures about its approach towards the commencement of criminal prosecutions. However, the *FCA* will normally follow its equivalent decision-making procedures for similar decisions under the Act as set out in ■ EG 12.
- 20.3.3** The *CCA Order* does not require the *FCA* to publish procedures about its approach towards applications to the court for an injunction or restitution order. However, the *FCA* will normally follow its equivalent decision-making procedures for similar decisions under the Act as set out in ■ EG 10 and ■ EG 11.
- 20.3.4** The *CCA Order* requires the *FCA* to give third party rights as set out in section 393 of the Act and to give access to material, as set out in section 394 of the Act, in relation to warning notices and decision notices given under the *CCA Order*.
- 20.3.5** The *CCA Order* applies the procedural provisions of Part 9 of the Act, as modified by the *CCA Order*, in respect of matters that can be referred to the Tribunal. Referrals to the Tribunal in respect of decision notices given under sections 67 (pursuant to article 3(3) of the *CCA Order*) and 208 (pursuant to article 3(7) of the *CCA Order*) of the Act are treated as disciplinary referrals for the purpose of section 133 of the Act.