The Perimeter Guidance Manual

## Chapter 17

## Consumer credit debt counselling

### 17.4 Advice must relate to a particular debt and debtor

17.4

Q4.1 Does debt counselling cover advice given to the public in general rather than to a particular debtor?

Debt counselling covers giving advice about "a" debt. This means that the advice must relate to the debts of a particular debtor or debtors. Advice will normally not be covered if it is not given to any particular debtor. So for example, it would not generally cover advice in a newspaper, periodical publication, journal, magazine, publication or a radio or television broadcast. General advice open to everyone on a website is unlikely to be debt counselling for the same reason. On the other hand advice given to a particular debtor over the Internet may be regulated. Please see Q5.5 about whether decision trees involve debt counselling.

## Q4.2 Must advice be given to a borrower?

Yes. Debt counselling means giving advice to a borrower under a credit agreement or a hirer under a consumer hire agreement. So for example it does not cover advice given to persons who receive it as:

- a lender under a credit agreement or the owner under a consumer hire agreement; or
- an adviser who will only use it to inform advice given by him to others
(but see Q4.3); or
- a journalist or broadcaster who will use it only for journalistic purposes.


## Q4.3 What about advice that is passed on through an intermediary?

This question covers advice prepared by A which is then passed on to the debtor by $B$.

If the debtor knows of this arrangement and knows that $B$ does not exercise any judgement but just acts as a conduit, it is likely that $A$ is debt counselling and $B$ is not.

