

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*.