

COVID-19 CREDIT CARDS AND PERSONAL LOANS (NO 2) INSTRUMENT 2020

Powers exercised

- A. The Financial Conduct Authority (“the FCA”) makes this instrument in the exercise of the following powers and related provisions in the Financial Services and Markets Act 2000 (“the Act”):
- (1) section 137A (The FCA’s general rules); and
 - (2) section 137T (General supplementary powers).
- B. The rule-making provisions listed above are specified for the purposes of section 138G(2) (Rule-making instruments) of the Act.

Commencement

- C. This instrument comes into force on [*date*].

Amendments to the Handbook

- D. The Consumer Credit sourcebook (CONC) is amended in accordance with the Annex to this instrument.

Citation

- E. This instrument may be cited as the COVID-19 Credit Cards and Personal Loans (No 2) Instrument 2020.

By order of the Board
[date]

Annex

Amendments to the Consumer Credit sourcebook (CONC)

In this Annex, underlining indicates new text and striking through indicates deleted text.

6 Post contractual requirements

...

6.7 Post contract: business practices

Application

6.7.1 R ...

- (5) CONC 6.7.3AR and CONC 6.7.3BG do not apply to the extent that the *firm* follows the guidance entitled Credit cards (including retail revolving credit) and coronavirus: updated temporary guidance for firms, except where the guidance indicates that the *firm* should act in accordance with CONC 6.7.3AR.

...

6.7.5 R ...

- (4) Paragraph (1) does not apply in circumstances where the *firm*, in order to allow the *customer* to defer (in whole or part) the making of *repayments* under the *regulated credit agreement* if they choose to do so in the circumstances and for the duration set out in the guidance entitled Credit cards (including retail revolving credit) and coronavirus: temporary guidance for firms or the guidance entitled Credit cards (including retail revolving credit) and coronavirus: updated temporary guidance for firms, varies or has varied the *regulated credit agreement* so as not to oblige the *customer* to make minimum required *repayments* for that duration.

...

Rules on refinancing: general

6.7.17 R ...

- (4) For the purpose of *CONC 6.7.18R*, *CONC 6.7.19R*, *CONC 6.7.21G* and *CONC 6.7.23R*, the term “refinance” within paragraph (1) does not include where a *firm* extends, or purports to extend, the period over which one or more *repayment* is to be made by a *customer* in circumstances where the *firm* does this in order to follow the guidance entitled Credit cards (including retail revolving credit) and coronavirus: updated temporary guidance for firms, the guidance

entitled Personal loans and coronavirus: updated temporary guidance for firms, the guidance entitled Motor finance agreements and coronavirus: temporary guidance for firms, the guidance entitled High-cost short-term credit and coronavirus: temporary guidance for firms, the guidance entitled Rent-to-own, buy-now-pay-later and pawnbroking agreements and coronavirus: temporary guidance for firms or the guidance entitled Coronavirus and customers in temporary financial difficulty: guidance for insurance and premium finance firms.

...

- 6.7.26A R *CONC 6.7.27R to 6.7.40G do not apply to a firm in respect of a customer, who the firm has allowed to defer (in whole or part) the making of repayments under a regulated credit agreement for a credit card or retail revolving credit in the circumstances and for the duration set out in the guidance entitled Credit cards (including retail revolving credit) and coronavirus: temporary guidance for firms or the guidance entitled Credit cards (including retail revolving credit) and coronavirus: updated temporary guidance for firms, for the period of the deferment.*

7 Arrears, default and recovery (including repossessions)

...

7.3 Treatment of customers in default or arrears (including repossessions): lenders, owners and debt collectors

...

Forbearance and due consideration

- 7.3.2A R *CONC 7.3.3G to CONC 7.3.6G and CONC 7.3.8G do not apply to the extent that the firm follows the guidance entitled Credit cards (including retail revolving credit) and coronavirus: updated temporary guidance for firms or the guidance entitled Personal loans and coronavirus: updated temporary guidance for firms, except, in each case, where the guidance indicates that the firm should act in accordance with those rules or guidance.*

- 7.3.3 G ...

...