

**L.N. 17 of 2024****CONSUMER AFFAIRS ACT  
(CAP. 378)****Consumer Credit (Amendment) Regulations, 2024**

IN EXERCISE of the powers conferred by article 7(1) of the Consumer Affairs Act, the Minister responsible for consumer affairs, after consulting the Consumer Affairs Council, has made the following regulations:-

Citation and  
commencement.  
S.L. 378.12.

**1.** (1) The title of these regulations is the Consumer Credit (Amendment) Regulations, 2024 and these regulations shall be read and construed as one with the Consumer Credit Regulations, hereinafter referred to as the "principal regulations".

(2) These regulations shall be deemed to have come into force on 30th December 2023.

Substitutes  
regulation 2 of  
the principal  
regulations.

**2.** Regulation 2 of the principal regulations shall be substituted by the following new regulation:

"Scope.

**2.** The scope of these regulations is to:

(a) transpose the provisions of Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EC;

(b) transpose the provisions of Commission Directive 2011/90/EU of 14 November 2011 amending Part II of Annex I to Directive 2008/48/EC of the European Parliament and of the Council providing additional assumptions for the calculation of the annual percentage rate of charge; and

(c) transpose article 27 of Directive (EU) 2021/2167 of the European Parliament and of the Council of 24 November 2021 on credit servicers and credit purchasers and amending Directives 2008/48/EC and 2014/17/EU."

Amends  
regulation 12 of  
the principal  
regulations.

**3.** Immediately after sub-regulation (4) of regulation 12 of the principal regulations there shall be added the following new sub-

regulation:

"Information regarding the modification of the terms and conditions of a credit agreement.

(4A) Without prejudice to other obligations provided for in these regulations, prior to modifying the terms and conditions of the credit agreement, the creditor shall communicate the following information to the consumer:

(a) a clear description of the proposed changes and, where applicable, of the need for consumer consent or of the changes introduced by operation of law;

(b) the time period for the implementation of the changes referred to in paragraph (a);

(c) the means for complaint available to the consumer regarding the changes referred to in paragraph (a);

(d) the time period available for filing any such complaint;

(e) the name and address of the Arbiter for Financial Services as established under the Arbiter for Financial Services Act before whom the consumer may submit the said complaint."

Cap. 555.

4. Immediately after regulation 16 of the principal regulations there shall be added the following regulation:

Adds new regulation to the principal regulations.

"Arrears and enforcement.

16A. (1) Creditors shall have adequate policies and procedures to ensure that they make efforts to exercise, where appropriate, reasonable forbearance before enforcement proceedings are instituted. The said forbearance measures shall take into account, among other elements, the consumer's circumstances and among other possibilities may consist of:

(a) a total or partial refinancing of a credit agreement;

(b) a modification of the existing terms and conditions of a credit agreement, which may include among others:

(i) extending the term of the credit agreement;

(ii) changing the type of credit agreement;

(iii) deferring payment of all or part of the instalment repayment for a period;

(iv) changing the interest rate;

- (v) offering a payment holiday;
- (vi) partial repayments;
- (vii) currency conversions;
- (viii) partial forgiveness and debt consolidation:

Provided that the list of forbearance measures stipulated in this sub-regulation is without prejudice to rules set out in national law, including in particular the national provisions implementing the European Banking Authority Guidelines on management of non-performing and forborne exposures (EBA/GL/2018/06) and the European Central Bank Guidance to banks on non-performing loans.

(2) Where the creditor is permitted to define and impose charges on the consumer arising from the default, those charges shall not be greater than is necessary to compensate the creditor for costs it has incurred as a result of the default."

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