



# Banking Act 2009

## 2009 CHAPTER 1

### PART 5 U.K.

#### <sup>F1</sup>... PAYMENT SYSTEMS [<sup>F1</sup>AND SERVICE PROVIDERS]

#### *Enforcement*

#### 193 Inspection U.K.

- (1) The Bank of England may appoint one or more persons to inspect the operation of a recognised <sup>F1</sup>... payment system [<sup>F2</sup>, a recognised DSA service provider][<sup>F3</sup> or the provision of services to such a system [<sup>F4</sup> or such a DSA service provider] by a service provider].
- (2) The operator of a recognised <sup>F1</sup>... payment system [<sup>F5</sup>, or a recognised DSA service provider][<sup>F6</sup>, or a service provider in relation to such a system [<sup>F7</sup> or such a DSA service provider],] must—
  - (a) grant an inspector access, on request and at any reasonable time, to premises on or from which any part of the system is operated [<sup>F8</sup> or (as the case may be) premises on or from which any part of the services is provided], and
  - (b) otherwise co-operate with an inspector.

#### Textual Amendments

- F1** Word in s. 193(1)(2) omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\), s. 118\(2\), Sch. 9 para. 15](#)
- F2** Words in s. 193(1) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\), s. 86\(2\)\(a\), Sch. 6 para. 21\(2\)\(a\)](#)
- F3** Words in s. 193(1) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\), arts. 1\(2\), 2\(13\)\(a\)](#)
- F4** Words in s. 193(1) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\), s. 86\(2\)\(a\), Sch. 6 para. 21\(2\)\(b\)](#)

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- F5** Words in s. 193(2) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2) (a), **Sch. 6 para. 21(3)(a)**
- F6** Words in s. 193(2) inserted (30.11.2017) by The Banking Act 2009 (Service Providers to Payment Systems) Order 2017 (S.I. 2017/1167), arts. 1(2), **2(13)(b)(i)**
- F7** Words in s. 193(2) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2) (a), **Sch. 6 para. 21(3)(b)**
- F8** Words in s. 193(2)(a) inserted (30.11.2017) by The Banking Act 2009 (Service Providers to Payment Systems) Order 2017 (S.I. 2017/1167), arts. 1(2), **2(13)(b)(ii)**

#### Commencement Information

- I1** S. 193 in force at 31.12.2009 by S.I. 2009/3000, art. 4, **Sch. para. 2**

## 194 Inspection: warrant **U.K.**

- (1) A justice of the peace may on the application of an inspector issue a warrant entitling an inspector or a constable to enter premises if—
- [<sup>F9</sup>(a) there is conducted on the premises any part of the management or operation of—
- (i) a recognised payment system (whether by an operator of the system or by someone providing services used by an operator), <sup>F10</sup> ...
- [<sup>F11</sup>(ia) a recognised DSA service provider, or]
- (ii) a service provider in relation to a recognised payment system [<sup>F12</sup>or a recognised DSA service provider], and]
- (b) any of the following conditions is satisfied.
- (2) Condition 1 is that—
- (a) a requirement under section 204 in connection with the payment system [<sup>F13</sup>, the DSA service provider][<sup>F14</sup>or the service provider] has not been complied with, and
- (b) there is reason to believe that information relevant to the requirement is on the premises.
- (3) Condition 2 is that there is reason to suspect that if a requirement under section 204 were imposed in connection with the payment system [<sup>F15</sup>, the DSA service provider][<sup>F16</sup>or the service provider] in respect of information on the premises—
- (a) the requirement would not be complied with, and
- (b) the information would be destroyed or otherwise tampered with.
- (4) Condition 3 is that an inspector—
- (a) gave reasonable notice of a wish to enter the premises, and
- (b) was refused entry.
- (5) Condition 4 is that a person occupying or managing the premises has failed to co-operate with an inspector.
- (6) A warrant—
- (a) permits an inspector or a constable to enter the premises,
- (b) permits an inspector or a constable to search the premises and copy or take possession of information or documents, and
- (c) permits a constable to use reasonable force.

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- (7) Sections 15(5) to (8) and 16 of the Police and Criminal Evidence Act 1984 (warrants: procedure) apply to warrants under this section.
- (8) In the application of this section to Scotland—
- (a) the reference to a justice of the peace includes a reference to a sheriff, and
  - (b) ignore subsection (7).
- (9) In the application of this section to Northern Ireland—
- (a) the reference to a justice of the peace is a reference to a lay magistrate, and
  - (b) the reference to sections 15(5) to (8) and 16 of the Police and Criminal Evidence Act 1984 is a reference to the equivalent provisions of the Police and Criminal Evidence (Northern Ireland) Order 1989.

#### Textual Amendments

- F9** S. 194(1)(a) substituted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), arts. 1(2), **2(14)(a)**
- F10** Word in s. 194(1)(a)(i) omitted (29.8.2023) by virtue of [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 22(2)(a)(i)**
- F11** S. 194(1)(a)(ia) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 22(2)(a)(i)**
- F12** Words in s. 194(1)(a)(ii) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 22(2)(b)**
- F13** Words in s. 194(2)(a) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 22(3)**
- F14** Words in s. 194(2)(a) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), arts. 1(2), **2(14)(b)**
- F15** Words in s. 194(3) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 22(4)**
- F16** Words in s. 194(3) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), arts. 1(2), **2(14)(b)**

#### Commencement Information

- I2** S. 194 in force at 31.12.2009 by [S.I. 2009/3000](#), art. 4, **Sch. para. 2**

## 195 Independent report **U.K.**

- (1) The Bank of England may require
- [<sup>F17</sup>(a)] the operator of a recognised <sup>F18</sup>... payment system to appoint an expert to report on the operation of the system [<sup>F19</sup>, <sup>F20</sup> ...
  - (b) a service provider in relation to a recognised payment system to appoint an expert to report on the provision of services to the system.]
  - [<sup>F21</sup>(c)] a recognised DSA service provider to appoint an expert to report on the provision of services to payment systems (whether or not recognised), or
  - (d) a service provider in relation to a recognised DSA service provider to appoint an expert to report on the provision of services to the DSA service provider.]
- (2) The Bank may impose a requirement only if it thinks—
- (a) the operator [<sup>F22</sup> recognised DSA service provider][<sup>F23</sup> or service provider] is not taking sufficient account of principles published by the Bank under section 188,

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- (b) the operator [<sup>F24</sup>, recognised DSA service provider]<sup>F25</sup> or service provider] is failing to comply with a code of practice under section 189, or
  - (c) the report is likely for any other reason to assist the Bank in the performance of its functions under this Part.
- (3) The Bank may impose requirements about—
- (a) the nature of the expert to be appointed;
  - (b) the content of the report;
  - (c) treatment of the report (including disclosure and publication);
  - (d) timing.

#### Textual Amendments

- F17** S. 195(1)(a): words in s. 195(1) renumbered as s. 195(1)(a) (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), arts. 1(2), **2(15)(a)(i)**
- F18** Word in s. 195(1) omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), s. 118(2), **Sch. 9 para. 17**
- F19** S. 195(1)(b) and word inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), arts. 1(2), **2(15)(a)(ii)**
- F20** Word in s. 195(1)(a) omitted (29.8.2023) by virtue of [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 23(2)**
- F21** S. 195(1)(c)(d) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 23(3)**
- F22** Words in s. 195(2)(a) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 23(4)**
- F23** Words in s. 195(2)(a) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), arts. 1(2), **2(15)(b)**
- F24** Words in s. 195(2)(b) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 23(5)**
- F25** Words in s. 195(2)(b) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), arts. 1(2), **2(15)(b)**

#### Commencement Information

- I3** S. 195 in force at 31.12.2009 by [S.I. 2009/3000](#), art. 4, **Sch. para. 2**

## 196 Compliance failure **U.K.**

In this Part “compliance failure” means a failure by the operator of a recognised <sup>F26</sup>... payment system [<sup>F27</sup>, a recognised DSA service provider]<sup>F28</sup>, or a service provider in relation to such a system,<sup>F29</sup> or such a DSA service provider] to—

- (a) comply with a code of practice under section 189,
- (b) comply with a requirement under section 190,
- (c) comply with a direction under section 191, or
- (d) ensure compliance with a requirement under section 195.

#### Textual Amendments

- F26** Word in s. 196 omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), s. 118(2), **Sch. 9 para. 18**

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- F27** Words in s. 196 inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2)(a), **Sch. 6 para. 24(a)**
- F28** Words in s. 196 inserted (30.11.2017) by The Banking Act 2009 (Service Providers to Payment Systems) Order 2017 (S.I. 2017/1167), arts. 1(2), **2(16)**
- F29** Words in s. 196 inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2)(a), **Sch. 6 para. 24(b)**

#### Commencement Information

- I4** S. 196 in force at 31.12.2009 by S.I. 2009/3000, art. 4, **Sch. para. 2**

## 197 Publication **U.K.**

- (1) The Bank of England may publish details of a compliance failure by the operator of a recognised <sup>F30</sup>... payment system [<sup>F31</sup>, a recognised DSA service provider][<sup>F32</sup> or a service provider in relation to such a system][<sup>F33</sup> or such a DSA service provider].
- (2) The Bank may publish details of a sanction imposed under sections 198 to 200.

#### Textual Amendments

- F30** Word in s. 197(1) omitted (27.6.2017) by virtue of Digital Economy Act 2017 (c. 30), s. 118(2), **Sch. 9 para. 19**
- F31** Words in s. 197(1) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2)(a), **Sch. 6 para. 25(a)**
- F32** Words in s. 197(1) inserted (30.11.2017) by The Banking Act 2009 (Service Providers to Payment Systems) Order 2017 (S.I. 2017/1167), arts. 1(2), **2(17)**
- F33** Words in s. 197(1) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2)(a), **Sch. 6 para. 25(b)**

#### Modifications etc. (not altering text)

- C1** S. 197 applied by 2013 c. 33, s. 124A(8) (as inserted (26.6.2020) by Corporate Insolvency and Governance Act 2020 (c. 12), s. 49(1), **Sch. 9 para. 49(3)** (with ss. 2(2), 5(2)))

#### Commencement Information

- I5** S. 197 in force at 31.12.2009 by S.I. 2009/3000, art. 4, **Sch. para. 2**

## 198 Penalty **U.K.**

- (1) The Bank of England may require the operator of a recognised <sup>F34</sup>... payment system [<sup>F35</sup>, a recognised DSA service provider][<sup>F36</sup>, or a service provider in relation to such a system,][<sup>F37</sup> or such a DSA service provider] to pay a penalty in respect of a compliance failure.
- (2) A penalty—
- must be paid to the Bank of England, and
  - may be enforced by the Bank as a debt.
- (3) The Bank must prepare a statement of the principles which it will apply in determining—
- whether to impose a penalty, and
  - the amount of a penalty.

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(4) The Bank must—

- (a) publish the statement on its internet website,
- (b) send a copy to the Treasury,
- (c) review the statement from time to time and revise it if necessary (and paragraphs (a) and (b) apply to a revision), and
- (d) in applying the statement to a compliance failure, apply the version in force when the failure occurred.

**Textual Amendments**

- F34** Word in s. 198(1) omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\), s. 118\(2\), Sch. 9 para. 20](#)
- F35** Words in s. 198(1) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\), s. 86\(2\) \(a\), Sch. 6 para. 26\(a\)](#)
- F36** Words in s. 198(1) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\), arts. 1\(2\), 2\(18\)](#)
- F37** Words in s. 198(1) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\), s. 86\(2\) \(a\), Sch. 6 para. 26\(b\)](#)

**Modifications etc. (not altering text)**

- C2** [S. 198](#) applied by [2013 c. 33, s. 124A\(8\)](#) (as inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\), s. 49\(1\), Sch. 9 para. 49\(3\)](#) (with ss. 2(2), 5(2)))

**Commencement Information**

- I6** [S. 198](#) in force at 31.12.2009 by [S.I. 2009/3000, art. 4, Sch. para. 2](#)

**199 Closure** **U.K.**

- (1) This section applies if the Bank of England thinks that a compliance failure—
  - (a) threatens the stability of, or confidence in, the UK financial system, or
  - (b) has serious consequences for business or other interests throughout the United Kingdom.
- (2) The Bank may give the operator of the <sup>F38</sup>... payment system concerned [<sup>F39</sup>, the DSA service provider concerned][<sup>F40</sup>, or the service provider concerned,] an order to stop operating the system [<sup>F41</sup>, providing services,][<sup>F42</sup>or (as the case may be) providing services to a recognised payment system][<sup>F43</sup>or recognised DSA service provider] (a “closure order”)—
  - (a) for a specified period,
  - (b) until further notice, or
  - (c) permanently.
- (3) A closure order may apply to—
  - (a) all activities of the payment system [<sup>F44</sup>, or DSA service provider][<sup>F45</sup>or all services provided to a recognised payment system [<sup>F46</sup>, or a recognised DSA service provider] by the service provider], or
  - (b) specified activities [<sup>F47</sup>or specified services].

[<sup>F48</sup>(3A) Before giving a closure order to a service provider, the Bank must have regard to the public interest in the continued operation of each recognised payment system [<sup>F49</sup>, or

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of each recognised DSA service provider,] in relation to which the service provider is specified under section 206A(2)(b) [<sup>F50</sup> or 206A(2A)(b) (as the case may be).]]

- (4) An operator [<sup>F51</sup>, DSA service provider,][<sup>F52</sup> or service provider] who fails to comply with a closure order commits an offence.
- (5) A person guilty of an offence is liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum, or
  - (b) on conviction on indictment, to a fine.

#### Textual Amendments

- F38** Word in s. 199(2) omitted (27.6.2017) by virtue of Digital Economy Act 2017 (c. 30), s. 118(2), **Sch. 9 para. 21**
- F39** Words in s. 199(2) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2) (a), **Sch. 6 para. 27(2)(a)**
- F40** Words in s. 199(2) inserted (30.11.2017) by The Banking Act 2009 (Service Providers to Payment Systems) Order 2017 (S.I. 2017/1167), arts. 1(2), **2(19)(a)(i)**
- F41** Words in s. 199(2) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2) (a), **Sch. 6 para. 27(2)(b)**
- F42** Words in s. 199(2) inserted (30.11.2017) by The Banking Act 2009 (Service Providers to Payment Systems) Order 2017 (S.I. 2017/1167), arts. 1(2), **2(19)(a)(ii)**
- F43** Words in s. 199(2) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2) (a), **Sch. 6 para. 27(2)(c)**
- F44** Words in s. 199(3)(a) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2) (a), **Sch. 6 para. 27(3)(a)**
- F45** Words in s. 199(3)(a) inserted (30.11.2017) by The Banking Act 2009 (Service Providers to Payment Systems) Order 2017 (S.I. 2017/1167), arts. 1(2), **2(19)(b)(i)**
- F46** Words in s. 199(3)(a) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2) (a), **Sch. 6 para. 27(3)(b)**
- F47** Words in s. 199(3)(b) inserted (30.11.2017) by The Banking Act 2009 (Service Providers to Payment Systems) Order 2017 (S.I. 2017/1167), arts. 1(2), **2(19)(b)(ii)**
- F48** S. 199(3A) inserted (30.11.2017) by The Banking Act 2009 (Service Providers to Payment Systems) Order 2017 (S.I. 2017/1167), arts. 1(2), **2(19)(c)**
- F49** Words in s. 199(3A) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2) (a), **Sch. 6 para. 27(4)(a)**
- F50** Words in s. 199(3A) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2) (a), **Sch. 6 para. 27(4)(b)**
- F51** Words in s. 199(4) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2) (a), **Sch. 6 para. 27(5)**
- F52** Words in s. 199(4) inserted (30.11.2017) by The Banking Act 2009 (Service Providers to Payment Systems) Order 2017 (S.I. 2017/1167), arts. 1(2), **2(19)(d)**

#### Commencement Information

- I7** S. 199 in force at 31.12.2009 by S.I. 2009/3000, art. 4, **Sch. para. 2**

## 200 Management disqualification **U.K.**

- (1) The Bank of England may by order prohibit a specified person from being an operator of a recognised <sup>F53</sup> ... payment system [<sup>F54</sup> or from being a DSA service provider]—
  - (a) for a specified period,
  - (b) until further notice, or

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- (c) permanently.
- (2) The Bank may by order prohibit a specified person from holding an office or position involving responsibility for taking decisions about the management of a recognised <sup>F53</sup>... payment system [<sup>F55</sup>, or a recognised DSA service provider,]<sup>F56</sup> or about the management of a service provider in relation to such a system]<sup>F57</sup> or such a DSA service provider]—
- (a) for a specified period,
- (b) until further notice, or
- (c) permanently.
- <sup>F58</sup>(2A) Before making an order under subsection (2) in respect of a service provider, the Bank must have regard to the public interest in the continued operation of each recognised payment system [<sup>F59</sup>, or of each recognised DSA service provider,] in relation to which the service provider is specified under section 206A(2)(b). [<sup>F60</sup> or 206A(2A)(b) (as the case may be).]
- (3) A person who breaches a prohibition under subsection (1) or (2) commits an offence.
- (4) A person guilty of an offence is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
- (b) on conviction on indictment, to a fine.

#### Textual Amendments

- F53** Word in s. 200(1)(2) omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\), s. 118\(2\), Sch. 9 para. 22](#)
- F54** Words in s. 200(1) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\), s. 86\(2\)\(a\), Sch. 6 para. 28\(2\)](#)
- F55** Words in s. 200(2) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\), s. 86\(2\)\(a\), Sch. 6 para. 28\(3\)\(a\)](#)
- F56** Words in s. 200(2) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\), arts. 1\(2\), 2\(20\)\(a\)](#)
- F57** Words in s. 200(2) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\), s. 86\(2\)\(a\), Sch. 6 para. 28\(3\)\(b\)](#)
- F58** S. 200(2A) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\), arts. 1\(2\), 2\(20\)\(b\)](#)
- F59** Words in s. 200(2A) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\), s. 86\(2\)\(a\), Sch. 6 para. 28\(4\)\(a\)](#)
- F60** Words in s. 200(2A) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\), s. 86\(2\)\(a\), Sch. 6 para. 28\(4\)\(b\)](#)

#### Commencement Information

- I8** S. 200 in force at 12.11.2009 for specified purposes and 31.12.2009 in so far as not already in force by [S.I. 2009/3000, arts. 2, 4, Sch. para. 2](#)

## 201 Warning **U.K.**

- (1) Before imposing a sanction on the operator of [<sup>F61</sup>a] payment system [<sup>F62</sup>, on a DSA service provider,]<sup>F63</sup>, on a service provider in relation to such a system]<sup>F64</sup> or such a DSA service provider] or on another person the Bank of England must—



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- (a) give the operator [F65, DSA service provider][F66, service provider] or other person a notice (a “warning notice”),
  - (b) give the operator [F67, DSA service provider][F68, service provider] or other person at least 21 days to make representations,
  - (c) consider any representations made, and
  - (d) as soon as is reasonably practicable, give the operator [F69, DSA service provider][F70, service provider] or other person a notice stating whether or not the Bank intends to impose the sanction.
- [F71(1A) Before imposing a sanction on a person who is a service provider in relation to a recognised payment system [F72 or recognised DSA service provider] the Bank must also—
- (a) give the operator of the payment system [F73, or DSA service provider] a notice (a “warning notice”),
  - (b) give the operator [F74, or DSA service provider] at least 21 days to make representations,
  - (c) consider any representations made, and
  - (d) as soon as reasonably practicable, give the operator [F75 or DSA service provider] a notice stating whether the Bank intends to impose the sanction.]
- (2) In [F76 subsections (1) and (1A)] “imposing a sanction” means—
- (a) publishing details under section 197(1),
  - (b) requiring the payment of a penalty under section 198,
  - (c) giving a closure order under section 199, or
  - (d) making an order under section 200.
- (3) Despite [F77 subsections (1) and (1A)], if satisfied that it is necessary the Bank may without notice—
- (a) give a closure order under section 199, or
  - (b) make an order under section 200.

#### Textual Amendments

- F61** Word in s. 201(1) substituted (27.6.2017) by Digital Economy Act 2017 (c. 30), s. 118(2), **Sch. 9 para. 23**
- F62** Words in s. 201(1) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2) (a), **Sch. 6 para. 29(2)(a)**
- F63** Words in s. 201(1) inserted (30.11.2017) by The Banking Act 2009 (Service Providers to Payment Systems) Order 2017 (S.I. 2017/1167), arts. 1(2), **2(21)(a)(i)**
- F64** Words in s. 201(1) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2) (a), **Sch. 6 para. 29(2)(b)**
- F65** Words in s. 201(1)(a) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2) (a), **Sch. 6 para. 29(2)(c)**
- F66** Words in s. 201(1)(a) inserted (30.11.2017) by The Banking Act 2009 (Service Providers to Payment Systems) Order 2017 (S.I. 2017/1167), arts. 1(2), **2(21)(a)(ii)**
- F67** Words in s. 201(1)(b) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2)(a), **Sch. 6 para. 29(2)(d)**
- F68** Words in s. 201(1)(b) inserted (30.11.2017) by The Banking Act 2009 (Service Providers to Payment Systems) Order 2017 (S.I. 2017/1167), arts. 1(2), **2(21)(a)(ii)**
- F69** Words in s. 201(1)(d) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2)(a), **Sch. 6 para. 29(2)(e)**

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- F70** Words in s. 201(1)(d) inserted (30.11.2017) by The Banking Act 2009 (Service Providers to Payment Systems) Order 2017 (S.I. 2017/1167), arts. 1(2), **2(21)(a)(ii)**
- F71** S. 201(1A) inserted (30.11.2017) by The Banking Act 2009 (Service Providers to Payment Systems) Order 2017 (S.I. 2017/1167), arts. 1(2), **2(21)(b)**
- F72** Words in s. 201(1A) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2)(a), **Sch. 6 para. 29(3)(a)**
- F73** Words in s. 201(1A)(a) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2)(a), **Sch. 6 para. 29(3)(b)**
- F74** Words in s. 201(1A)(b) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2)(a), **Sch. 6 para. 29(3)(c)**
- F75** Words in s. 201(1A)(d) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2)(a), **Sch. 6 para. 29(3)(d)**
- F76** Words in s. 201(2) substituted (30.11.2017) by The Banking Act 2009 (Service Providers to Payment Systems) Order 2017 (S.I. 2017/1167), arts. 1(2), **2(21)(c)**
- F77** Words in s. 201(3) substituted (30.11.2017) by The Banking Act 2009 (Service Providers to Payment Systems) Order 2017 (S.I. 2017/1167), arts. 1(2), **2(21)(c)**

#### Modifications etc. (not altering text)

- C3** S. 201 applied by 2013 c. 33, s. 124A(8) (as inserted (26.6.2020) by Corporate Insolvency and Governance Act 2020 (c. 12), s. 49(1), **Sch. 9 para. 49(3)** (with ss. 2(2), 5(2)))

#### Commencement Information

- I9** S. 201 in force at 12.11.2009 for specified purposes and 31.12.2009 in so far as not already in force by S.I. 2009/3000, arts. 2, 4, **Sch. para. 2**

## 202 Appeal **U.K.**

- (1) Where the Bank of England notifies a person under section 201(1)(d) [<sup>F78</sup>or (1A)(d)] that the Bank intends to impose a sanction, the person may appeal to the [<sup>F79</sup>Upper Tribunal].
- (2) Where the Bank of England imposes a sanction on a person without notice in reliance on section 201(3), the person [<sup>F80</sup>and, if the person is a service provider in relation to a recognised payment system [<sup>F81</sup>or recognised DSA service provider], the operator of the payment system][<sup>F82</sup>or DSA service provider (as the case may be)], may appeal to the [<sup>F83</sup>Upper Tribunal].
- [<sup>F84</sup>(3) The Bank of England may not impose a sanction while an appeal under this section could be brought or is pending.]

#### Textual Amendments

- F78** Words in s. 202(1) inserted (30.11.2017) by The Banking Act 2009 (Service Providers to Payment Systems) Order 2017 (S.I. 2017/1167), arts. 1(2), **2(22)(a)**
- F79** Words in s. 202(1) substituted (6.4.2010) by The Transfer of Tribunal Functions Order 2010 (S.I. 2010/22), art. 1(2)(e), **Sch. 2 para. 151(a)** (with Sch. 5)
- F80** Words in s. 202(2) inserted (30.11.2017) by The Banking Act 2009 (Service Providers to Payment Systems) Order 2017 (S.I. 2017/1167), arts. 1(2), **2(22)(b)**
- F81** Words in s. 202(2) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2)(a), **Sch. 6 para. 30(a)**
- F82** Words in s. 202(2) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2)(a), **Sch. 6 para. 30(b)**

**Changes to legislation:** Banking Act 2009, Cross Heading: Enforcement is up to date with all changes known to be in force on or before 10 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F83** Words in s. 202(2) substituted (6.4.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(2)(e), **Sch. 2 para. 151(a)** (with Sch. 5)
- F84** S. 202(3) substituted (6.4.2010) by [The Transfer of Tribunal Functions Order 2010 \(S.I. 2010/22\)](#), art. 1(2)(e), **Sch. 2 para. 151(b)** (with Sch. 5)

**Modifications etc. (not altering text)**

- C4** S. 202 applied by 2013 c. 33, s. 124A(8) (as inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), **Sch. 9 para. 49(3)** (with ss. 2(2), 5(2)))

**Commencement Information**

- I10** S. 202 in force at 31.12.2009 by S.I. 2009/3000, art. 4, **Sch. para. 2**

[<sup>F85</sup>**202A**Injunctions **U.K.**

- (1) If, on the application of the Bank of England, the court is satisfied—
- that there is a reasonable likelihood that there will be a compliance failure, or
  - that there has been a compliance failure and there is a reasonable likelihood that it will continue or be repeated,
- the court may make an order restraining the conduct constituting the failure.
- (2) If, on the application of the Bank of England, the court is satisfied—
- that there has been a compliance failure by the operator of a recognised <sup>F86</sup>... payment system [<sup>F87</sup>, a recognised DSA service provider,]<sup>F88</sup> or a service provider in relation to such a system]<sup>F89</sup> or such a DSA service provider], and
  - that there are steps which could be taken for remedying the failure,
- the court may make an order requiring the operator [<sup>F90</sup>, DSA service provider]<sup>F91</sup> or service provider], and anyone else who appears to have been knowingly concerned in the failure, to take such steps as the court may direct to remedy it.
- (3) If, on the application of the Bank of England, the court is satisfied—
- that there may have been a compliance failure by the operator of a recognised <sup>F92</sup>... payment system [<sup>F93</sup>, a recognised DSA service provider,]<sup>F94</sup> or a service provider in relation to such a system]<sup>F95</sup> or such a DSA service provider], or
  - that a person may have been knowingly concerned in a compliance failure,
- the court may make an order restraining the operator [<sup>F96</sup>, DSA service provider,]<sup>F97</sup>, service provider] or person from dealing with any assets which it is satisfied the operator [<sup>F97</sup>, service provider] or person is reasonably likely to deal with.
- (4) The jurisdiction conferred by this section is exercisable—
- in England and Wales and Northern Ireland, by the High Court, and
  - in Scotland, by the Court of Session.
- (5) In this section—
- references to an order restraining anything are, in Scotland, to be read as references to an interdict prohibiting that thing,
  - references to remedying a failure include mitigating its effect, and
  - references to dealing with assets include disposing of them.]

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### Textual Amendments

- F85** S. 202A inserted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), **ss. 104(7)**, 122(3) (with [Sch. 20](#)); [S.I. 2013/423](#), [art. 3](#), [Sch.](#)
- F86** Word in s. 202A(2)(a) omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), s. 118(2), [Sch. 9 para. 24](#)
- F87** Words in s. 202A(2)(a) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 31\(2\)\(a\)\(i\)](#)
- F88** Words in s. 202A(2)(a) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), arts. 1(2), **2(23)(a)**
- F89** Words in s. 202A(2)(a) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 31\(2\)\(a\)\(ii\)](#)
- F90** Words in s. 202A(2) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 31\(2\)\(b\)](#)
- F91** Words in s. 202A(2) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), arts. 1(2), **2(23)(b)**
- F92** Word in s. 202A(3)(a) omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), s. 118(2), [Sch. 9 para. 24](#)
- F93** Words in s. 202A(3)(a) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 31\(3\)\(a\)\(i\)](#)
- F94** Words in s. 202A(3)(a) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), arts. 1(2), **2(23)(a)**
- F95** Words in s. 202A(3)(a) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 31\(3\)\(a\)\(ii\)](#)
- F96** Words in s. 202A(3) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 31\(3\)\(b\)](#)
- F97** Words in s. 202A(3) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), arts. 1(2), **2(23)(c)**

### Modifications etc. (not altering text)

- C5** S. 202A applied by 2013 c. 33, **s. 124A(8)** (as inserted (26.6.2020) by [Corporate Insolvency and Governance Act 2020 \(c. 12\)](#), s. 49(1), [Sch. 9 para. 49\(3\)](#) (with ss. 2(2), 5(2)))

**Changes to legislation:**

Banking Act 2009, Cross Heading: Enforcement is up to date with all changes known to be in force on or before 10 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(8A)(8B) inserted by [2012 c. 21 s. 96\(3\)](#)
- s. 8(2)(d) and word inserted by [2012 c. 21 s. 96\(4\)\(b\)](#)