

Status: Point in time view as at 29/08/2023.

Changes to legislation: Banking Act 2009, Part 5 is up to date with all changes known to be in force on or before 08 July 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)



Banking Act 2009

2009 CHAPTER 1

PART 5

^{F1}... PAYMENT SYSTEMS [^{F2}AND SERVICE PROVIDERS]

Textual Amendments

- F1** Word in Pt. 5 heading omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), s. 118(2), [Sch. 9 para. 2](#)
- F2** Words in Pt. 5 heading inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 2](#)

Introduction

181 Overview

This Part enables the Bank of England to oversee certain systems for [^{F3}transferring money][^{F4}and certain persons who provide services [^{F5}, including] in relation to such systems].

Textual Amendments

- F3** Words in s. 181 substituted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(2), [Sch. 9 para. 3](#)
- F4** Words in s. 181 inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\)](#), arts. 1(2), [2\(2\)](#)
- F5** Word in s. 181 inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 3](#)

Commencement Information

- I1** S. 181 in force at 4.8.2009 by [S.I. 2009/2038](#), art. 2, [Sch. para. 1](#)

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182 Interpretation: ^{F6}... [^{F7}key terms]

- (1) In this Part “term-inter-bank-payment-system ^{F8}... payment system” means arrangements [^{F9}, or proposed arrangements,] designed to facilitate or control the transfer of money [^{F10}or digital settlement assets]^{F11}....
- [^{F12}(1A) But “payment system” does not include any arrangements for the physical movement of cash.]
- ^{F13}(2)
- ^{F13}(3)
- (4) In subsection (1) “money” includes credit.
- [^{F14}(4A) In subsection (1) “digital settlement asset” means a digital representation of value or rights, whether or not cryptographically secured, that—
- (a) can be used for the settlement of payment obligations,
 - (b) can be transferred, stored or traded electronically, and
 - (c) uses technology supporting the recording or storage of data (which may include distributed ledger technology).
- (4B) In this section, “digital settlement asset” includes a right to, or an interest in, a digital settlement asset.]
- (5) A system is ^{F15}... payment system for the purposes of this Part whether or not it operates [^{F16}, or is intended to operate,] wholly or partly in relation to persons or places outside the United Kingdom.
- [^{F17}(5A) In this Part, a “DSA service provider” is a person who provides one or more services in relation to a payment system that includes arrangements using digital settlement assets where—
- (a) the person creates or issues the digital settlement assets involved in the payment system,
 - (b) the person provides services to safeguard, or to safeguard and administer, digital settlement assets including their private cryptographic keys (or means of access),
 - (c) the person is directly involved in any of the activities mentioned in paragraphs (a) or (b),
 - (d) the person is a digital settlement asset exchange provider,
 - (e) the person sets rules, standards, or conditions of access or participation in relation to the payment system, or
 - (f) the person provides any service that facilitates, or supports, a transfer of money or digital settlement assets to be made using the payment system, including any infrastructure provider in relation to the system.
- (5B) In this Part “digital settlement asset exchange provider” means a person who provides one or more of the following services, including as creator or issuer of any of the digital settlement assets, by—
- (a) exchanging, or arranging the exchange of—
 - (i) digital settlement assets for money,
 - (ii) money for digital settlement assets,
 - (iii) digital settlement assets and money for digital settlement assets, or
 - (iv) digital settlement assets and money for money,

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- (b) exchanging, or arranging the exchange of, one digital settlement asset for another, or
 - (c) operating an automated process to carry out any of the activities mentioned in paragraphs (a) and (b).
- (5C) The Treasury may by regulations amend—
- (a) the definition of “digital settlement asset” in subsection (4A);
 - (b) the definition of “DSA service provider” in subsection (5A);
 - (c) the definition in section 206AA of a person who provides services connected with a recognised payment system that uses digital settlement assets.]

Textual Amendments

- F6** Word in s. 182 heading omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\), s. 118\(2\), Sch. 9 para. 4\(6\)](#)
- F7** Words in s. 182 heading substituted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\), s. 86\(2\)\(a\), Sch. 6 para. 4\(2\)](#)
- F8** Word in s. 182(1) omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\), s. 118\(2\), Sch. 9 para. 4\(2\)\(a\)](#)
- F9** Words in s. 182(1) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\), ss. 75\(5\)\(a\), 86\(3\); S.I. 2023/779, reg. 4\(ww\)](#)
- F10** Words in s. 182(1) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\), s. 86\(2\)\(a\), Sch. 6 para. 4\(3\)](#)
- F11** Words in s. 182(1) omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\), s. 118\(2\), Sch. 9 para. 4\(2\)\(b\)](#)
- F12** S. 182(1A) inserted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\), s. 118\(2\), Sch. 9 para. 4\(3\)](#)
- F13** S. 182(2)(3) omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\), s. 118\(2\), Sch. 9 para. 4\(4\)](#)
- F14** S. 182(4A)(4B) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\), s. 86\(2\)\(a\), Sch. 6 para. 4\(4\)](#)
- F15** Word in s. 182(5) substituted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\), s. 118\(2\), Sch. 9 para. 4\(5\)](#)
- F16** Words in s. 182(5) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\), ss. 75\(5\)\(b\), 86\(3\); S.I. 2023/779, reg. 4\(ww\)](#)
- F17** S. 182(5A)-(5C) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\), s. 86\(2\)\(a\), Sch. 6 para. 4\(5\)](#)

Commencement Information

- I2** S. 182 in force at 4.8.2009 by [S.I. 2009/2038, art. 2, Sch. para. 2](#)

183 Interpretation: other expressions

In this Part—

- (a) a reference to the “operator” of ^{F18}[a] payment system is a reference to any person with responsibility under the system for managing or operating it,
- (b) a reference to the operation of a system includes a reference to its management,
- ^{F19}(ba) a reference to a “service provider” is to be construed in accordance with section 206A(2),]
- (c) “the UK financial system” has the meaning given ^{F20}... by ^{F21}[section 11] of the Financial Services and Markets Act 2000 ^{F22}...,

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- (d) a reference to the Bank of England's role as a monetary authority is to be construed in accordance with section 244(2)(c),
- [^{F23}(e) the FCA” means the Financial Conduct Authority,
- (f) “Part 4A permission” has the meaning given by section 55A of the Financial Services and Markets Act 2000,
- (g) “the PRA” means the Prudential Regulation Authority,
- (h) “PRA-regulated activity” has the meaning given by section 22A of the Financial Services and Markets Act 2000, ^{F24}...
- (i) “recognised investment exchange” has the meaning given by section 285 of that Act.]
- [^{F25}(j) “the Payment Systems Regulator” means the Payment Systems Regulator established under section 40 of the Financial Services (Banking Reform) Act 2013, and
- (k) in sections 188 to 199 (regulation and enforcement), references to the provision of services by a service provider to a payment system [^{F26}or to a DSA service provider] include references to—
 - (i) services provided by the service provider which form part of the arrangements constituting [^{F27}, or connected with,] the system, and
 - (ii) the service provider’s arrangements for governance or risk management, or for any other matters which may affect the provision of the services by the service provider.]

Textual Amendments

- F18** Word in s. 183(a) substituted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\), s. 118\(2\), Sch. 9 para. 5](#)
- F19** [S. 183\(ba\)](#) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\), arts. 1\(2\), 2\(3\)\(a\)](#)
- F20** Words in s. 183(c) omitted (8.4.2010) by virtue of [Financial Services Act 2010 \(c. 28\), s. 26\(1\)\(l\), Sch. 2 para. 44](#)
- F21** Words in s. 183(c) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 17 para. 53\(2\)\(a\)](#) (with [Sch. 20](#)); [S.I. 2013/423, art. 3, Sch.](#)
- F22** Words in s. 183(c) omitted (1.4.2013) by virtue of [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 17 para. 53\(2\)\(b\)](#) (with [Sch. 20](#)); [S.I. 2013/423, art. 3, Sch.](#)
- F23** [S. 183\(e\)-\(i\)](#) substituted for [s. 183\(e\)](#) (1.4.2013) by [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 17 para. 53\(3\)](#) (with [Sch. 20](#)); [S.I. 2013/423, art. 3, Sch.](#)
- F24** Word in [s. 183](#) omitted (30.11.2017) by virtue of [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\), arts. 1\(2\), 2\(3\)\(b\)](#)
- F25** [S. 183\(j\)\(k\)](#) inserted (30.11.2017) by [The Banking Act 2009 \(Service Providers to Payment Systems\) Order 2017 \(S.I. 2017/1167\), arts. 1\(2\), 2\(3\)\(c\)](#)
- F26** Words in [s. 183\(k\)](#) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\), s. 86\(2\)\(a\), Sch. 6 para. 5\(2\)](#)
- F27** Words in [s. 183\(k\)\(i\)](#) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\), s. 86\(2\)\(a\), Sch. 6 para. 5\(3\)](#)

Commencement Information

- I3** [S. 183](#) in force at 4.8.2009 by [S.I. 2009/2038, art. 2, Sch. para. 2](#)

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Recognised systems [^{F28}and service providers]

Textual Amendments

F28 Words in s. 184 cross-heading inserted (29.8.2023) by [Financial Services and Markets Act 2023](#) (c. 29), s. 86(2)(a), [Sch. 6 para. 6](#)

184 Recognition order [^{F29}: payment system]

- (1) The Treasury may by order (“recognition order”) specify [^{F30}a] payment system as a recognised system for the purposes of this Part.
- (2) A recognition order must specify in as much detail as is reasonably practicable the arrangements which constitute the ^{F31}... payment system.
- (3) The Treasury may not specify [^{F32}a payment] system operated solely by the Bank of England.
- [^{F33}(4) See section 206A for the power to specify in a recognition order a person as a person who provides services that form part of the arrangements constituting [^{F34}or connected with] the recognised system.]

Textual Amendments

- F29** Words in s. 184 heading inserted (29.8.2023) by [Financial Services and Markets Act 2023](#) (c. 29), s. 86(2)(a), [Sch. 6 para. 7](#)
- F30** Word in s. 184(1) substituted (27.6.2017) by [Digital Economy Act 2017](#) (c. 30), s. 118(2), [Sch. 9 para. 6\(2\)](#)
- F31** Word in s. 184(2) omitted (27.6.2017) by virtue of [Digital Economy Act 2017](#) (c. 30), s. 118(2), [Sch. 9 para. 6\(3\)](#)
- F32** Words in s. 184(3) substituted (27.6.2017) by [Digital Economy Act 2017](#) (c. 30), s. 118(2), [Sch. 9 para. 6\(4\)](#)
- F33** S. 184(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\(4\)](#)
- F34** Words in s. 184(4) inserted (29.8.2023) by [Financial Services and Markets Act 2023](#) (c. 29), s. 86(2)(a), [Sch. 6 para. 8](#)

Commencement Information

I4 S. 184 in force at 4.8.2009 by [S.I. 2009/2038](#), art. 2, [Sch. para. 3](#)

[^{F35}184A] Recognition order: DSA service provider

- (1) The Treasury may by order (“recognition order”) specify a DSA service provider as a recognised DSA service provider for the purposes of this Part.
- (2) A recognition order under this section must specify in as much detail as is reasonably practicable the services provided.
- (3) The Treasury may not specify a DSA service provider operated solely by the Bank of England.]

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Textual Amendments

F35 S. 184A inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 9](#)

185 Recognition criteria [^{F36}: payment system]

- (1) The Treasury may make a recognition order in respect of [^{F37}a] payment system only if satisfied that any deficiencies in the design of the system, or any disruption of its operation, would be likely—
- (a) to threaten the stability of, or confidence in, the UK financial system, or
 - (b) to have serious consequences for business or other interests throughout the United Kingdom.
- (2) In considering whether to specify a system the Treasury must have regard to—
- (a) the number and value of the transactions that the system presently processes or is likely to process in the future,
 - (b) the nature of the transactions that the system processes,
 - (c) whether those transactions or their equivalent could be handled by other systems,
 - (d) the relationship between the system and other systems, and
 - (e) whether the system is used by the Bank of England in the course of its role as a monetary authority.

Textual Amendments

F36 Words in s. 185 heading inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 10](#)

F37 Word in s. 185(1) substituted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\)](#), s. 118(2), [Sch. 9 para. 7](#)

Commencement Information

I5 S. 185 in force at 4.8.2009 by [S.I. 2009/2038](#), art. 2, [Sch. para. 3](#)

[^{F38}185A] Recognition criteria: DSA service provider

- (1) The Treasury may make a recognition order in respect of a DSA service provider only if satisfied that any deficiencies in the services provided by the service provider, or any disruption to the provision of those services, would be likely—
- (a) to threaten the stability of, or confidence in, the UK financial system, or
 - (b) to have serious consequences for business or other interests throughout the United Kingdom.
- (2) In considering whether to specify a DSA service provider the Treasury must have regard to—
- (a) the value of the services in relation to payment systems that the DSA service provider presently provides or is likely to provide in the future,
 - (b) the nature of the services in relation to payment systems that the DSA service provider provides,

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- (c) whether those services or their equivalent could be provided by others, and
- (d) the relationship between the DSA service provider and—
 - (i) operators of payment systems that use digital settlement assets, and
 - (ii) other DSA service providers.]

Textual Amendments

F38 S. 185A inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 11](#)

186 Procedure

- (1) Before making a recognition order in respect of a payment system [^{F39}or a DSA service provider] the Treasury must—
 - (a) consult the Bank of England [^{F40}and the Payment Systems Regulator],
 - [^{F41}(aa) in the case of a recognition order in respect of a DSA service provider, consult the FCA,]
 - (b) notify the operator of the system [^{F42}or the DSA service provider (as appropriate)], and
 - (c) consider any representations made.[^{F43}(See section 206A(4) for the procedure to be followed before specifying a person under section 206A(2)(b) (service providers in relation to recognised payment systems) in a recognition order.)]
- [^{F44}(2) In addition, the Treasury—
 - (a) must consult the FCA before making a recognition order in respect of a payment system [^{F45}or a DSA service provider, where the operator of the system or the provider] —
 - (i) is, or has applied to become, a recognised investment exchange, or
 - (ii) has, or has applied for, a Part 4A permission, and
 - (b) if the operator [^{F46}or provider] has, or has applied for, a Part 4A permission for the carrying on of a PRA-regulated activity, must also consult the PRA.]
- (3) In considering whether to make a recognition order in respect of a payment system [^{F47}or a DSA service provider] the Treasury may rely on information provided by the Bank of England [^{F48}, the FCA or the PRA].

Textual Amendments

- F39** Words in s. 186(1) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 12\(2\)](#)
- F40** Words in s. 186(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\(5\)\(a\)](#)
- F41** S. 186(1)(aa) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 12\(3\)](#)
- F42** Words in s. 186(1)(b) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 12\(4\)](#)
- F43** Words in s. 186(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\(5\)\(b\)](#)

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- F44** S. 186(2) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), **ss. 104(4)(a)**, 122(3) (with [Sch. 20](#)); [S.I. 2013/423](#), art. 3, [Sch.](#)
- F45** Words in s. 186(2)(a) substituted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 12(5)**
- F46** Words in s. 186(2)(b) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 12(6)**
- F47** Words in s. 186(3) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 12(7)**
- F48** Words in s. 186(3) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), **ss. 104(4)(b)**, 122(3) (with [Sch. 20](#)); [S.I. 2013/423](#), art. 3, [Sch.](#)

Commencement Information

- I6** S. 186 in force at 4.8.2009 by [S.I. 2009/2038](#), art. 2, **Sch. para. 3**

[^{F49}186A Amendment of recognition order

- (1) The Treasury may amend a recognition order.
- (2) Before amending a recognition order the Treasury must—
 - (a) consult the Bank of England [^{F50}and the Payment Systems Regulator],
[in the case of a recognition order in respect of a DSA service provider, consult
^{F51}(aa) the FCA,]
 - (b) notify the operator of the recognised ^{F52}... payment system [^{F53}or the recognised DSA service provider (as appropriate)], and
 - (c) consider any representations made.

[^{F54}(See section 206A(4) for the procedure to be followed before amending a recognition order so as to specify a person under section 206A(2)(b) (service providers in relation to recognised payment systems) in the order.)]

[Before amending a recognition order so as to revoke or amend the specification of a
^{F55}(2A) person under section 206A(2)(b), the Treasury must also—

 - (a) consult the FCA and the PRA,
 - (b) notify the specified person, and
 - (c) consider any representations made.]
- (3) In addition, the Treasury—
 - (a) must consult the FCA before amending a recognition order in respect of a payment system [^{F56}or a DSA service provider, where the operator of the system or the provider]—
 - (i) is, or has applied to become, a recognised investment exchange, or
 - (ii) has, or has applied for, a Part 4A permission, and
 - (b) if the operator [^{F57}or provider] has, or has applied for, a Part 4A permission for the carrying on of a PRA-regulated activity, must also consult the PRA.
- (4) The Treasury must consider any request by the operator of a recognised ^{F58}... payment system [^{F59}or by a recognised DSA service provider] for the amendment of its recognition order [^{F60}or any request by a service provider in relation to such a system [^{F61}or provider,] for the amendment or revocation of its specification].]

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Textual Amendments

- F49** S. 186A inserted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), **ss. 104(2)**, 122(3) (with [Sch. 20](#)); [S.I. 2013/423](#), [art. 3](#), [Sch.](#)
- F50** Words in s. 186A(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(6)(a)(i)**
- F51** S. 186A(2)(aa) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 13(2)**
- F52** Word in s. 186A(2)(b) omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), s. 118(2), **Sch. 9 para. 8**
- F53** Words in s. 186A(2)(b) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 13(3)**
- F54** Words in s. 186A(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(6)(a)(ii)**
- F55** S. 186A(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(6)(b)**
- F56** Words in s. 186A(3)(a) substituted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 13(4)**
- F57** Words in s. 186A(3)(b) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 13(5)**
- F58** Word in s. 186A(4) omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), s. 118(2), **Sch. 9 para. 8**
- F59** Words in s. 186A(4) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 13(6)(a)**
- F60** Words in s. 186A(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(6)(c)**
- F61** Words in s. 186A(4) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 13(6)(b)**

187 De-recognition

- (1) The Treasury may revoke a recognition order.
- (2) The Treasury must revoke a recognition order if not satisfied—
 - [^{F62}(a)] that the criteria in section 185 are met in respect of the recognised ^{F63}... payment system. [^{F64}, or
 - (b) that the criteria in section 185A are met in respect of the recognised DSA service provider.]
- (3) Before revoking a recognition order the Treasury must—
 - (a) consult the Bank of England [^{F65}and the Payment Systems Regulator],
 - [^{F66}(aa) in the case of a recognition order in respect of a DSA service provider, consult the FCA,]
 - (b) notify the operator of the recognised ^{F67}... payment system [^{F68}or the recognised DSA service provider (as appropriate)], and
 - (c) consider any representations made.
- [^{F69}(4) In addition, the Treasury—
 - (a) must consult the FCA before revoking a recognition order in respect of a payment system [^{F70}or a DSA service provider, where the operator of the system or the provider] —

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Changes to legislation: Banking Act 2009, Part 5 is up to date with all changes known to be in force on or before 08 July 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)

- (i) is, or has applied to become, a recognised investment exchange, or
(ii) has, or has applied for, a Part 4A permission, and
(b) if the operator [^{F71}or provider] has, or has applied for, a Part 4A permission for the carrying on of a PRA-regulated activity, must also consult the PRA.]
- (5) The Treasury must consider any request by the operator of a recognised ^{F72}... payment system [^{F73}, or by a recognised DSA service provider] for the revocation of its recognition order.

Textual Amendments

- F62** Words in s. 187(2) renumbered as s.187(2)(a) (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 14\(2\)\(a\)](#)
- F63** Word in s. 187(2) omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), s. 118(2), [Sch. 9 para. 9](#)
- F64** S. 187(2)(b) and word inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 14\(2\)\(b\)](#)
- F65** Words in s. 187(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\(7\)](#)
- F66** S. 187(3)(aa) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 14\(3\)](#)
- F67** Word in s. 187(3)(b) omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), s. 118(2), [Sch. 9 para. 9](#)
- F68** Words in s. 187(3)(b) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 14\(4\)](#)
- F69** S. 187(4) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), [ss. 104\(5\)](#), 122(3) (with [Sch. 20](#)); [S.I. 2013/423](#), art. 3, [Sch.](#)
- F70** Words in s. 187(4)(a) substituted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 14\(5\)](#)
- F71** Words in s. 187(4)(b) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 14\(6\)](#)
- F72** Word in s. 187(5) omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), s. 118(2), [Sch. 9 para. 9](#)
- F73** Words in s. 187(5) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 14\(7\)](#)

Commencement Information

- I7** S. 187 in force at 4.8.2009 by [S.I. 2009/2038](#), art. 2, [Sch. para. 3](#)

Regulation

188 Principles

- (1) The Bank of England may publish—
- [^{F74}(a)] principles to which operators of recognised ^{F75}... payment systems are to have regard in operating the systems [^{F76}and]
- [^{F77}(b)] principles to which recognised DSA service providers are to have regard in the provision of services to payment systems (whether or not recognised),]
- [^{F78}(c)] principles to which service providers are to have regard in the provision of services to such systems [^{F79}or to such DSA service providers].

Status: Point in time view as at 29/08/2023.

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(2) Before publishing principles the Bank must obtain the approval of the Treasury.

Textual Amendments

- F74** Words in s. 188(1) renumbered as s. 188(1)(a) (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 15\(2\)\(a\)](#)
- F75** Word in s. 188(1) omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), s. 118(2), [Sch. 9 para. 10](#)
- F76** Words in s. 188(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\(8\)](#)
- F77** S. 188(1)(b) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 15\(2\)\(b\)](#)
- F78** Words in s. 188(1) renumbered as s. 188(1)(c) (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 15\(2\)\(c\)](#)
- F79** Words in s. 188(1)(c) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 15\(2\)\(d\)](#)

Commencement Information

- I8** S. 188 in force at 31.12.2009 by [S.I. 2009/3000](#), art. 4, [Sch. para. 1](#)

189 Codes of practice

The Bank of England may publish codes of practice about—

- [^{F80}(a)] the operation of recognised ^{F81}... payment systems; ^{F82}...
- [^{F83}(b)] the provision of services by DSA service providers in relation to payment systems (whether or not recognised), or]
- [^{F84}(c)] the provision of services by service providers to such systems [^{F85}or to such DSA service providers].

Textual Amendments

- F80** Words in s. 189 renumbered as s.189(a) (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 16\(a\)](#)
- F81** Word in s. 189 omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), s. 118(2), [Sch. 9 para. 11](#)
- F82** Word in s. 189 omitted (29.8.2023) by virtue of [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 16\(c\)](#)
- F83** S. 189(b) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 16\(b\)](#)
- F84** Words in s. 189 renumbered as s. 189(c) (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 16\(d\)](#)
- F85** Words in s. 189(c) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 16\(e\)](#)

Commencement Information

- I9** S. 189 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](#), art. 4, [Sch. para. 1](#)

Status: Point in time view as at 29/08/2023.

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190 System rules

- (1) The Bank of England may require the operator of a recognised ^{F86} ... payment system—
- (a) to establish rules for the operation of the system [^{F87}including the operation of services that form part of the arrangements constituting [^{F88}, or connected with,] the system and are provided by a service provider][^{F89}, or a DSA service provider];
 - (b) to change the rules in a specified way or so as to achieve a specified purpose;
 - (c) to notify the Bank of any proposed change to the rules;
 - (d) not to change the rules without the approval of the Bank.
- (2) A requirement under subsection (1)(c) or (d) may be general or specific.

Textual Amendments

- F86** Word in s. 190(1) omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), s. 118(2), [Sch. 9 para. 12](#)
- F87** Words in s. 190(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(10)**
- F88** Words in s. 190(1)(a) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 17\(a\)](#)
- F89** Words in s. 190(1)(a) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 17\(b\)](#)

Commencement Information

- I10** S. 190 in force at 31.12.2009 by [S.I. 2009/3000](#), art. 4, [Sch. para. 1](#)

^{F90}190A Service provider rules

- (1) The Bank of England may require a recognised DSA service provider—
- (a) to establish rules for the operation of services provided by the recognised DSA service provider;
 - (b) to establish rules for the operation of services provided by a service provider to the recognised DSA service provider;
 - (c) to change the rules in a specified way or so as to achieve a specified purpose;
 - (d) to notify the Bank of any proposed change to the rules;
 - (e) not to change the rules without the approval of the Bank.
- (2) A requirement under subsection (1)(d) or (e) may be general or specific.]

Textual Amendments

- F90** [S. 190A](#) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 18](#)

^{F91}191 Directions

- (1) The Bank of England may give directions in writing to—
- ^{F92}(a) the operator of a recognised ^{F93} ... [^{F94}payment] system,
 - ^{F95}(b) to a recognised DSA service provider,] or

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- [^{F96}(c)] [^{F97} a service provider in relation to such a system [^{F98} or to such DSA service providers].]
- (2) A direction may—
- (a) require or prohibit the taking of specified action in the operation of the system [^{F99} or the provision of services ^{F100} ...];
 - (b) set standards to be met in the operation of the system [^{F101} or the provision of services ^{F102} ...].
- (3) If a direction is given for the purpose of resolving or reducing a threat to the stability of the UK financial system, the operator [^{F103}, DSA service provider][^{F104} or service provider] (including [^{F105} the operator's [^{F106}, DSA service provider's] or service provider's] officers and staff) has immunity from liability in damages in respect of action or inaction in accordance with the direction.
- (4) A direction given for the purpose mentioned in subsection (3) must—
- (a) include a statement that it is given for that purpose, and
 - (b) inform the operator [^{F107}, DSA service provider][^{F108} or service provider] of the effect of that subsection.
- (5) The Treasury may by order confer immunity on any person from liability in damages in respect of action or inaction in accordance with a direction (including a direction given for the purpose mentioned in subsection (3)).
- (6) An order—
- (a) is to be made by statutory instrument, and
 - (b) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) An immunity conferred by or under this section does not extend to action or inaction—
- (a) in bad faith, or
 - (b) in contravention of section 6(1) of the Human Rights Act 1998.]

Textual Amendments

- F91** S. 191 substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), **ss. 104(3)**, 122(3) (with [Sch. 20](#)); [S.I. 2013/423](#), art. 3, [Sch.](#)
- F92** Words in s. 191(1) renumbered as s. 191(1)(a) (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 19(2)(a)**
- F93** Word in s. 191(1) omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), s. 118(2), **Sch. 9 para. 13**
- F94** Word in s. 191(1) inserted (1.3.2014) by [Financial Services \(Banking Reform\) Act 2013 \(c. 33\)](#), s. 148(5), **Sch. 10 para. 8**; [S.I. 2014/377](#), art. 2(1)(a), [Sch. Pt. 1](#)
- F95** S. 191(1)(b) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 19(2)(b)**
- F96** Words in s. 191(1) renumbered as s. 191(1)(c) (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 19(2)(c)**
- F97** Words in s. 191(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(11)(a)**
- F98** Words in s. 191(1)(c) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 19(2)(d)**
- F99** Words in s. 191(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(11)(b)**

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- F100** Words in s. 191(2)(a) omitted (29.8.2023) by virtue of Financial Services and Markets Act 2023 (c. 29), s. 86(2)(a), **Sch. 6 para. 19(3)(a)**
- F101** Words in s. 191(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(11)(b)**
- F102** Words in s. 191(2)(b) omitted (29.8.2023) by virtue of Financial Services and Markets Act 2023 (c. 29), s. 86(2)(a), **Sch. 6 para. 19(3)(b)**
- F103** Words in s. 191(3) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2)(a), **Sch. 6 para. 19(4)(a)**
- F104** Words in s. 191(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(11)(c)(i)**
- F105** Words in s. 191(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(11)(c)(ii)**
- F106** Words in s. 191(3) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2)(a), **Sch. 6 para. 19(4)(b)**
- F107** Words in s. 191(4)(b) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2)(a), **Sch. 6 para. 19(5)**
- F108** Words in s. 191(4)(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(11)(d)**

192 Role of ^{F109}FCA and PRA]

- (1) In exercising powers under this Part the Bank of England shall have regard to any action that ^{F110}the FCA or the PRA] has taken or could take.

^{F111}(2) The Bank of England—

- (a) must consult the FCA before taking action under this Part in respect of a recognised ^{F112}... payment system the operator of which satisfies section 186(2)(a) ^{F113}, a service provider in relation to such a system or a service provider which itself satisfies section 186(2)(a)] and
- (b) must consult the PRA before taking action under this Part in respect of a recognised ^{F112}... payment system the operator of which satisfies section 186(2)(b)] ^{F114}, a service provider in relation to such a system or a service provider which itself satisfies section 186(2)(b)].
- (3) If ^{F115}the FCA or the PRA] gives the Bank of England notice that ^{F116}it] is considering taking action in respect of the operator of a recognised ^{F117}... payment system who satisfies ^{F118}section 186(2)(a) or (b)] ^{F119}, a service provider in relation to such a system or a service provider which itself satisfies section 186(2)(a) or (b)] the Bank may not take action under this Part in respect of the operator ^{F120}or service provider] unless—
- (a) ^{F121}the FCA or (as the case may be) the PRA] consents, or
- (b) the notice is withdrawn.

Textual Amendments

- F109** Words in s. 192 heading substituted (1.4.2013) by Financial Services Act 2012 (c. 21), **ss. 104(6)(d), 122(3)** (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F110** Words in s. 192(1) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), **ss. 104(6)(a), 122(3)** (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F111** S. 192(2) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), **ss. 104(6)(b), 122(3)** (with Sch. 20); S.I. 2013/423, art. 3, Sch.

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- F112** Word in s. 192(2)(a)(b) omitted (27.6.2017) by virtue of Digital Economy Act 2017 (c. 30), s. 118(2), **Sch. 9 para. 14**
- F113** Words in s. 192(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(12)(a)(i)**
- F114** Words in s. 192(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(12)(a)(ii)**
- F115** Words in s. 192(3) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), **ss. 104(6)(c)(i)**, 122(3) (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F116** Word in s. 192(3) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), **ss. 104(6)(c)(ii)**, 122(3) (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F117** Word in s. 192(3) omitted (27.6.2017) by virtue of Digital Economy Act 2017 (c. 30), s. 118(2), **Sch. 9 para. 14**
- F118** Words in s. 192(3) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), **ss. 104(6)(c)(iii)**, 122(3) (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F119** Words in s. 192(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(12)(b)(i)**
- F120** Words in s. 192(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(12)(b)(ii)**
- F121** Words in s. 192(3)(a) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), **ss. 104(6)(c)(iv)**, 122(3) (with Sch. 20); S.I. 2013/423, art. 3, Sch.

Commencement Information

- I11** S. 192 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. 1**

[^{F122}192A] Power of Bank to require FCA to refrain from specified action

- (1) Where the first, second and third conditions are met, the Bank of England may give a direction under this section to the FCA.
- (2) The first condition is that the FCA is proposing to exercise any of its powers in relation to—
 - (a) a recognised payment system that includes arrangements using digital settlement assets, or
 - (b) a recognised DSA service provider.
- (3) The second condition is that the Bank of England is of the opinion that the exercise of the power in the manner proposed may—
 - (a) threaten the stability of the UK financial system,
 - (b) have serious consequences for business or other interests in the United Kingdom (including for the payment system or provider in relation to which the powers are proposed to be exercised), or
 - (c) have an adverse effect on the Bank's ability to act in its capacity as a monetary authority.
- (4) The third condition is that the Bank of England is of the opinion that the giving of the direction is necessary in order to avoid an outcome mentioned in subsection (3).
- (5) A direction under this section is a direction requiring the FCA not to exercise the power or not to exercise it in a specified manner.
- (6) The direction may be expressed to have effect during a specified period or until revoked.

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- (7) The FCA is not required to comply with a direction under this section if or to the extent that in the opinion of the FCA compliance would be incompatible with any international obligation of the United Kingdom.]

Textual Amendments

F122 S. 192A inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 20](#)

Enforcement

193 Inspection

- (1) The Bank of England may appoint one or more persons to inspect the operation of a recognised ^{F123}... payment system [^{F124}, a recognised DSA service provider][^{F125} or the provision of services to such a system [^{F126} or such a DSA service provider] by a service provider].
- (2) The operator of a recognised ^{F123}... payment system [^{F127}, or a recognised DSA service provider][^{F128}, or a service provider in relation to such a system [^{F129} or such a DSA service provider].] must—
- grant an inspector access, on request and at any reasonable time, to premises on or from which any part of the system is operated [^{F130} or (as the case may be) premises on or from which any part of the services is provided], and
 - otherwise co-operate with an inspector.

Textual Amendments

F123 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](#)

F124 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\(2\)\(a\)](#)

F125 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\(13\)\(a\)](#)

F126 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\(2\)\(b\)](#)

F127 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\(3\)\(a\)](#)

F128 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\(13\)\(b\)\(i\)](#)

F129 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\(3\)\(b\)](#)

F130 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

I12 S. 193 in force at 31.12.2009 by [S.I. 2009/3000](#), art. 4, [Sch. para. 2](#)

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194 Inspection: warrant

- (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—
 - [^{F131}(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), ^{F132}...
 - [^{F133}(ia) a recognised DSA service provider, or]
 - (ii) a service provider in relation to a recognised payment system [^{F134} 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 [^{F135}, the DSA service provider][^{F136} 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 [^{F137}, the DSA service provider][^{F138} 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.
- (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.

Status: Point in time view as at 29/08/2023.

Changes to legislation: Banking Act 2009, Part 5 is up to date with all changes known to be in force on or before 08 July 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)

Textual Amendments

- F131** 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)**
- F132** 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)**
- F133** 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)**
- F134** 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)**
- F135** 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)**
- F136** 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)**
- F137** 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)**
- F138** 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

- I13** S. 194 in force at 31.12.2009 by [S.I. 2009/3000](#), art. 4, **Sch. para. 2**

195 Independent report

- (1) The Bank of England may require
- [^{F139}(a)] the operator of a recognised ^{F140}... payment system to appoint an expert to report on the operation of the system [^{F141}, ^{F142} ...
 - (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.]
 - [^{F143}(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 [^{F144}, recognised DSA service provider][^{F145}or service provider] is not taking sufficient account of principles published by the Bank under section 188,
 - (b) the operator [^{F146}, recognised DSA service provider][^{F147}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.

Status: Point in time view as at 29/08/2023.

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Textual Amendments

- F139** 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)**
- F140** 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**
- F141** 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)**
- F142** 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)**
- F143** 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)**
- F144** 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)**
- F145** 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)**
- F146** 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)**
- F147** 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

- I14** S. 195 in force at 31.12.2009 by [S.I. 2009/3000](#), art. 4, **Sch. para. 2**

196 Compliance failure

In this Part “compliance failure” means a failure by the operator of a recognised ^{F148}... payment system [^{F149}, a recognised DSA service provider]^{F150}, or a service provider in relation to such a system,^{F151} 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

- F148** Word in s. 196 omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), s. 118(2), **Sch. 9 para. 18**
- F149** 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)**
- F150** 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)**
- F151** 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

- I15** S. 196 in force at 31.12.2009 by [S.I. 2009/3000](#), art. 4, **Sch. para. 2**

Status: Point in time view as at 29/08/2023.

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197 Publication

- (1) The Bank of England may publish details of a compliance failure by the operator of a recognised ^{F152} ... payment system [^{F153}, a recognised DSA service provider]^{F154} or a service provider in relation to such a system]^{F155} or such a DSA service provider].
- (2) The Bank may publish details of a sanction imposed under sections 198 to 200.

Textual Amendments

- F152** 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](#)
- F153** 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\(a\)](#)
- F154** 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\(17\)](#)
- F155** 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

- I16** [S. 197](#) in force at 31.12.2009 by [S.I. 2009/3000](#), art. 4, [Sch. para. 2](#)

198 Penalty

- (1) The Bank of England may require the operator of a recognised ^{F156} ... payment system [^{F157}, a recognised DSA service provider]^{F158}, or a service provider in relation to such a system,^{F159} or such a DSA service provider] to pay a penalty in respect of a compliance failure.
- (2) A penalty—
 - (a) must be paid to the Bank of England, and
 - (b) 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—
 - (a) whether to impose a penalty, and
 - (b) the amount of a penalty.
- (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.

Status: Point in time view as at 29/08/2023.

Changes to legislation: Banking Act 2009, Part 5 is up to date with all changes known to be in force on or before 08 July 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)

Textual Amendments

- F156** 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](#)
- F157** 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\(a\)](#)
- F158** 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\(18\)](#)
- F159** 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

- I17** [S. 198](#) in force at 31.12.2009 by [S.I. 2009/3000](#), art. 4, [Sch. para. 2](#)

199 Closure

- (1) This section applies if the Bank of England thinks that a compliance failure—
- threatens the stability of, or confidence in, the UK financial system, or
 - has serious consequences for business or other interests throughout the United Kingdom.
- (2) The Bank may give the operator of the ^{F160}... payment system concerned [^{F161} the DSA service provider concerned][^{F162} or the service provider concerned,] an order to stop operating the system [^{F163} providing services,][^{F164} or (as the case may be) providing services to a recognised payment system][^{F165} or recognised DSA service provider] (a “closure order”)—
- for a specified period,
 - until further notice, or
 - permanently.
- (3) A closure order may apply to—
- all activities of the payment system [^{F166} or DSA service provider][^{F167} or all services provided to a recognised payment system [^{F168} or a recognised DSA service provider] by the service provider], or
 - specified activities [^{F169} or specified services].
- ^{F170}(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 [^{F171} or of each recognised DSA service provider,] in relation to which the service provider is specified under section 206A(2)(b) [^{F172} or 206A(2A)(b) (as the case may be).]
- (4) An operator [^{F173} DSA service provider,][^{F174} or service provider] who fails to comply with a closure order commits an offence.
- (5) A person guilty of an offence is liable—
- on summary conviction, to a fine not exceeding the statutory maximum, or
 - on conviction on indictment, to a fine.

Status: Point in time view as at 29/08/2023.

Changes to legislation: Banking Act 2009, Part 5 is up to date with all changes known to be in force on or before 08 July 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)

Textual Amendments

- F160** 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](#)
- F161** 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\(2\)\(a\)](#)
- F162** 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\(19\)\(a\)\(i\)](#)
- F163** 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\(2\)\(b\)](#)
- F164** 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\(19\)\(a\)\(ii\)](#)
- F165** 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\(2\)\(c\)](#)
- F166** 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\(3\)\(a\)](#)
- F167** 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\(19\)\(b\)\(i\)](#)
- F168** 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\(3\)\(b\)](#)
- F169** 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\(19\)\(b\)\(ii\)](#)
- F170** 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\(19\)\(c\)](#)
- F171** 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\(4\)\(a\)](#)
- F172** 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\(4\)\(b\)](#)
- F173** 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\(5\)](#)
- F174** 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

- I18** S. 199 in force at 31.12.2009 by [S.I. 2009/3000](#), art. 4, [Sch. para. 2](#)

200 Management disqualification

- (1) The Bank of England may by order prohibit a specified person from being an operator of a recognised ^{F175}... payment system [^{F176}or from being a DSA service provider]—
 - (a) for a specified period,
 - (b) until further notice, or
 - (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 ^{F175}... payment system [^{F177}or a recognised DSA service provider,]^{F178} or about the management of a service provider in relation to such a system]^{F179} or such a DSA service provider]—
 - (a) for a specified period,
 - (b) until further notice, or

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(c) permanently.

[^{F180}(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 [^{F181}, or of each recognised DSA service provider,] in relation to which the service provider is specified under section 206A(2)(b). [^{F182}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

F175 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](#)

F176 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\(2\)](#)

F177 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\(3\)\(a\)](#)

F178 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\(20\)\(a\)](#)

F179 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\(3\)\(b\)](#)

F180 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\(20\)\(b\)](#)

F181 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\(4\)\(a\)](#)

F182 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

I19 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

(1) Before imposing a sanction on the operator of [^{F183}a] payment system [^{F184}, on a DSA service provider,][^{F185}, on a service provider in relation to such a system][^{F186}or such a DSA service provider] or on another person the Bank of England must—

- (a) give the operator [^{F187}, DSA service provider][^{F188}, service provider] or other person a notice (a “warning notice”),
- (b) give the operator [^{F189}, DSA service provider][^{F190}, 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 [^{F191}, DSA service provider][^{F192}, service provider] or other person a notice stating whether or not the Bank intends to impose the sanction.

Status: Point in time view as at 29/08/2023.

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- [^{F193}(1A) Before imposing a sanction on a person who is a service provider in relation to a recognised payment system [^{F194}or recognised DSA service provider] the Bank must also—
- (a) give the operator of the payment system [^{F195}, or DSA service provider] a notice (a “warning notice”),
 - (b) give the operator [^{F196}, 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 [^{F197}or DSA service provider] a notice stating whether the Bank intends to impose the sanction.]
- (2) In [^{F198}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 [^{F199}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

- F183** Word in s. 201(1) substituted (27.6.2017) by [Digital Economy Act 2017 \(c. 30\), s. 118\(2\), Sch. 9 para. 23](#)
- F184** 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\(2\)\(a\)](#)
- F185** 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\(21\)\(a\)\(i\)](#)
- F186** 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\(2\)\(b\)](#)
- F187** 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\(2\)\(c\)](#)
- F188** 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\(21\)\(a\)\(ii\)](#)
- F189** 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\(2\)\(d\)](#)
- F190** 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\(21\)\(a\)\(ii\)](#)
- F191** 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\(2\)\(e\)](#)
- F192** 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\(21\)\(a\)\(ii\)](#)
- F193** 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\(21\)\(b\)](#)
- F194** 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\(3\)\(a\)](#)
- F195** 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\(3\)\(b\)](#)

Status: Point in time view as at 29/08/2023.

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- F196** 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)**
- F197** 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)**
- F198** 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)**
- F199** 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

- I20** 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

- (1) Where the Bank of England notifies a person under section 201(1)(d) [^{F200}or (1A)(d)] that the Bank intends to impose a sanction, the person may appeal to the [^{F201}Upper Tribunal].
- (2) Where the Bank of England imposes a sanction on a person without notice in reliance on section 201(3), the person [^{F202}and, if the person is a service provider in relation to a recognised payment system [^{F203}or recognised DSA service provider], the operator of the payment system][^{F204}or DSA service provider (as the case may be)], may appeal to the [^{F205}Upper Tribunal].
- [^{F206}(3) The Bank of England may not impose a sanction while an appeal under this section could be brought or is pending.]

Textual Amendments

- F200** 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)**
- F201** 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)
- F202** 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)**
- F203** 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)**
- F204** 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)**
- F205** 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)
- F206** 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)))

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Commencement Information

I21 S. 202 in force at 31.12.2009 by S.I. 2009/3000, art. 4, **Sch. para. 2**

[^{F207}202A] Injunctions

- (1) If, on the application of the Bank of England, the court is satisfied—
- (a) that there is a reasonable likelihood that there will be a compliance failure, or
 - (b) 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—
- (a) that there has been a compliance failure by the operator of a recognised ^{F208} ... payment system [^{F209}, a recognised DSA service provider,]^{F210} or a service provider in relation to such a system]^{F211} or such a DSA service provider], and
 - (b) that there are steps which could be taken for remedying the failure,
- the court may make an order requiring the operator [^{F212}, DSA service provider]^{F213} 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—
- (a) that there may have been a compliance failure by the operator of a recognised ^{F214} ... payment system [^{F215}, a recognised DSA service provider,]^{F216} or a service provider in relation to such a system]^{F217} or such a DSA service provider], or
 - (b) that a person may have been knowingly concerned in a compliance failure,
- the court may make an order restraining the operator [^{F218}, DSA service provider,]^{F219}, service provider] or person from dealing with any assets which it is satisfied the operator [^{F219}, service provider] or person is reasonably likely to deal with.
- (4) The jurisdiction conferred by this section is exercisable—
- (a) in England and Wales and Northern Ireland, by the High Court, and
 - (b) in Scotland, by the Court of Session.
- (5) In this section—
- (a) references to an order restraining anything are, in Scotland, to be read as references to an interdict prohibiting that thing,
 - (b) references to remedying a failure include mitigating its effect, and
 - (c) references to dealing with assets include disposing of them.]

Textual Amendments

- F207** 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.](#)
- F208** 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](#)
- F209** 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\(2\)\(a\)\(i\)](#)
- F210** 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)**

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- F211** 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)**
- F212** 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)**
- F213** 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)**
- F214** 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**
- F215** 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)**
- F216** 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)**
- F217** 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)**
- F218** 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)**
- F219** 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)))

Miscellaneous

203 Fees

- (1) The Bank of England may require operators of recognised ^{F220}... payment systems [^{F221}, recognised DSA service providers,] [^{F222}, and service providers in relation to such systems [^{F223} or such DSA service providers,]] to pay fees.
- (2) A requirement under subsection (1) must relate to a scale of fees approved by the Treasury by regulations.
- (3) Regulations under subsection (2)—
 - (a) shall be made by statutory instrument, and
 - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) A requirement under subsection (1) may be enforced by the Bank as a debt.

Textual Amendments

- F220** Word in s. 203(1) omitted (27.6.2017) by virtue of Digital Economy Act 2017 (c. 30), s. 118(2), **Sch. 9 para. 25**
- F221** Words in s. 203(1) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2)(a), **Sch. 6 para. 32(a)**
- F222** Words in s. 203(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(24)**
- F223** Words in s. 203(1) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2)(a), **Sch. 6 para. 32(b)**

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Commencement Information

I22 S. 203 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. 3**

[^{F224}203A] Records

- (1) The Bank of England must maintain satisfactory arrangements for—
 - (a) recording decisions made in the exercise of its functions under this Part, and
 - (b) the safe-keeping of those records which it considers ought to be preserved.
- (2) The duty in subsection (1) does not apply to a decision to issue a notice under section 204(1).

Textual Amendments

F224 Ss. 203A, 203B inserted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), **ss. 104(8)**, 122(3) (with [Sch. 20](#)); S.I. 2013/423, art. 3, [Sch.](#)

203B Annual report

- (1) At least once a year the Bank of England must make a report to the Treasury on—
 - (a) the discharge of its functions under this Part,
 - (b) the extent to which, in its opinion, in discharging those functions its financial stability objective has been met, and
 - (c) such other matters as the Treasury may from time to time direct.
- (2) Subsection (1) does not require the inclusion in the report of any information whose publication would in the opinion of the Bank of England be against the public interest.
- (3) The Treasury must lay before Parliament a copy of each report received by them under this section.]

Textual Amendments

F224 Ss. 203A, 203B inserted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), **ss. 104(8)**, 122(3) (with [Sch. 20](#)); S.I. 2013/423, art. 3, [Sch.](#)

[^{F225}203C] Policy statement

- (1) The Bank of England must prepare a statement of the general policy it proposes to follow in relation to its oversight under this Part of —
 - (a) recognised payment systems that include arrangements using digital settlement assets,
 - (b) DSA service providers, and
 - (c) service providers as described in sections 206A and 206AA.
- (2) Before issuing a statement of policy under this section, the Bank must consult the FCA.
- (3) The Bank must —
 - (a) publish the statement on its website,

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- (b) send a copy to the Treasury, and
 - (c) review the statement from time to time and revise it if necessary (and paragraphs (a) and (b) apply to a revision).
- (4) Nothing in this section is to be regarded as preventing the Bank of England from exercising any of its powers under this Part where it considers it necessary to do so by reason of urgency, before it has prepared a statement under this section.]

Textual Amendments

F225 S. 203C inserted (29.8.2023) by **Financial Services and Markets Act 2023 (c. 29)**, s. 86(2)(a), **Sch. 6 para. 33**

204 Information

- (1) The Bank of England may by notice in writing require a person to provide information—
- (a) which the Bank thinks will help the Treasury in determining whether to make a recognition order [F226 or an order under section 206A][F227], or to specify a person under section 206A(2)(b)[F228 or 206A(2A)(b)], or
 - (b) which the Bank otherwise requires in connection with its functions under this Part.
- [F229(1A) The Bank of England may by notice in writing require the operator of a recognised F230 ... payment system [F231, a recognised DSA service provider,][F232 or a service provider in relation to such a system][F233 or such a DSA service provider] to provide information which the Bank requires in connection with the exercise of its functions (whether under this Part or otherwise) in pursuance of its financial stability objective.]
- (2) In particular, a notice [F234 under subsection (1) or (1A)] may require the operator of a recognised F235 ... payment system [F236, a recognised DSA service provider,][F237 or a service provider in relation to such a system][F238 or such a DSA service provider] to notify the Bank if events of a specified kind occur.
- (3) A notice [F239 under subsection (1) or (1A)] may require information to be provided—
- (a) in a specified form or manner;
 - (b) at a specified time;
 - (c) in respect of a specified period.
- (4) The Bank may disclose information obtained by virtue of this section to—
- (a) the Treasury;
 - [F240(b) the FCA;
 - F241(ba)]
 - (c) an authority in a country or territory outside the United Kingdom which exercises functions similar to those of the Treasury, the Bank of England [F242, the FCA or the PRA] in relation to F243 ... payment systems;
 - F244(d)
 - (e) the Bank for International Settlements.
- (5) Subsection (4)—

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- (a) overrides a contractual or other requirement to keep information in confidence, and
 - (b) is without prejudice to any other power to disclose information.
- (6) The Treasury may by regulations permit the disclosure of information obtained by virtue of this section to a specified person.
- (7) The Bank may publish information obtained by virtue of this section.
- (8) The Treasury may make regulations about the manner and extent of publication under subsection (7).
- (9) Regulations under this section—
- (a) shall be made by statutory instrument, and
 - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) It is an offence—
- (a) to fail without reasonable excuse to comply with a requirement under this section;
 - (b) knowingly or recklessly to give false information in pursuance of this section.
- (11) 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

- F226** Words in s. 204(1)(a) inserted (8.4.2010) by [Financial Services Act 2010 \(c. 28\)](#), s. 26(1)(l), **Sch. 2 para. 45**
- F227** Words in s. 204(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(25)(a)**
- F228** Words in s. 204(1)(a) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 34(2)**
- F229** S. 204(1A) inserted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), **ss. 104(9)(a)**, 122(3) (with [Sch. 20](#)); [S.I. 2013/423](#), art. 3, [Sch.](#)
- F230** Word in s. 204(1A) omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), s. 118(2), **Sch. 9 para. 26**
- F231** Words in s. 204(1A) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 34(3)(a)**
- F232** Words in s. 204(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(25)(b)**
- F233** Words in s. 204(1A) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 34(3)(b)**
- F234** Words in s. 204(2) inserted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), **ss. 104(9)(b)**, 122(3) (with [Sch. 20](#)); [S.I. 2013/423](#), art. 3, [Sch.](#)
- F235** Word in s. 204(2) omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), s. 118(2), **Sch. 9 para. 26**
- F236** Words in s. 204(2) inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), **Sch. 6 para. 34(4)(a)**
- F237** Words in s. 204(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(25)(b)**

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- F238** Words in s. 204(2) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2) (a), **Sch. 6 para. 34(4)(b)**
- F239** Words in s. 204(3) inserted (1.4.2013) by Financial Services Act 2012 (c. 21), **ss. 104(9)(b)**, 122(3) (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F240** S. 204(4)(b)(ba) substituted for s. 204(4)(b) (1.4.2013) by Financial Services Act 2012 (c. 21), **ss. 104(9)(c)**, 122(3) (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F241** S. 204(4)(ba) omitted (1.3.2017) by virtue of Bank of England and Financial Services Act 2016 (c. 14), s. 41(3), **Sch. 2 para. 60** (with Sch. 3); S.I. 2017/43, reg. 2(g)
- F242** Words in s. 204(4)(c) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), **ss. 104(9)(d)**, 122(3) (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F243** Word in s. 204(4)(c) omitted (27.6.2017) by virtue of Digital Economy Act 2017 (c. 30), s. 118(2), **Sch. 9 para. 26**
- F244** S. 204(4)(d) omitted (31.12.2020) by virtue of The Electronic Money, Payment Services and Payment Systems (Amendment and Transitional Provisions) (EU Exit) Regulations 2018 (S.I. 2018/1201), reg. 1(3), **Sch. 1 para. 1** (with reg. 4); 2020 c. 1, Sch. 5 para. 1(1)

Commencement Information

- I23** S. 204(1)(a)(2)(3)(4)(a)(b)(5)(6)(8)-(11) in force at 4.8.2009 by S.I. 2009/2038, art. 2, **Sch. para. 4**
- I24** S. 204(1)(b)(4)(c)(4)(d)(4)(e)(7) in force at 31.12.2009 by S.I. 2009/3000, art. 4, **Sch. para. 4**

205 Pretending to be recognised

- (1) It is an offence for the operator of a non-recognised ^{F245}... payment system [^{F246}or DSA service provider]—
- (a) to assert that the system [^{F247}or provider] is recognised, or
 - (b) to do anything which suggests that the system [^{F248}or provider] is recognised.
- ^{F249}(1A) It is an offence for a person who is not a service provider in relation to a recognised payment system [^{F250}or recognised DSA service provider]—
- (a) to assert that the person is such a service provider, or
 - (b) to do anything which suggests that the person is such a service provider.]
- (2) 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

- F245** Word in s. 205(1) omitted (27.6.2017) by virtue of Digital Economy Act 2017 (c. 30), s. 118(2), **Sch. 9 para. 27**
- F246** Words in s. 205(1) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2) (a), **Sch. 6 para. 35(2)**
- F247** Words in s. 205(1)(a) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2) (a), **Sch. 6 para. 35(3)**
- F248** Words in s. 205(1)(b) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2)(a), **Sch. 6 para. 35(4)**
- F249** S. 205(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(26)**
- F250** Words in s. 205(1A) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2) (a), **Sch. 6 para. 35(5)**

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Commencement Information

I25 S. 205 in force at 4.8.2009 by S.I. 2009/2038, art. 2, Sch. para. 5

206 Saving for informal oversight

- (1) Nothing in this Part prevents the Bank of England from having dealings with the operators of payment systems [^{F251}, DSA service providers][^{F252}, or persons who provide services in relation to payment systems,][^{F253} or DSA service providers] to which this Part does not apply.
- (2) Nothing in this Part prevents the Bank from having dealings, other than through the provisions of this Part, with the operators of payment systems [^{F254}, DSA service providers][^{F255}, or persons who provide services in relation to payment systems,][^{F256} or DSA service providers] to which this Part does apply.

Textual Amendments

- F251** Words in s. 206(1) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2) (a), Sch. 6 para. 36(2)(a)
- F252** Words in s. 206(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(27)
- F253** Words in s. 206(1) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2) (a), Sch. 6 para. 36(2)(b)
- F254** Words in s. 206(2) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2) (a), Sch. 6 para. 36(3)(a)
- F255** Words in s. 206(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(27)
- F256** Words in s. 206(2) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2) (a), Sch. 6 para. 36(3)(b)

Commencement Information

I26 S. 206 in force at 31.12.2009 by S.I. 2009/3000, art. 4, Sch. para. 5

206A [^{F257}Service providers]

- (1) The Treasury may by order make provision applying any provision of this Part to ^{F258}... service providers—
 - [^{F259}(a)] in relation to a recognised ^{F260}... payment system [^{F261}, or
 - (b) in relation to a recognised DSA service provider.]
 - (2) A person is a service provider in relation to a recognised ^{F262}... payment system if—
 - (a) the person provides services that form part of the arrangements constituting the system, and
 - (b) the person is specified as a person within paragraph (a) by the Treasury in the recognition order made in respect of the system.
- [^{F263}(2A) A person is a service provider in relation to a recognised DSA service provider if—
- (a) the person provides services to the recognised DSA service provider, and
 - (b) the person is specified as a person within paragraph (a) by the Treasury in the recognition order made in respect of the DSA service provider.

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- (2B) A payment system that includes arrangements using digital settlement assets is a service provider in relation to a recognised DSA service provider if—
- (a) the system provides services to the recognised DSA service provider, and
 - (b) the system is specified as a system within paragraph (a) by the Treasury in the recognition order made in respect of the DSA service provider.]
- (3) Telecommunication or information technology services are examples of the kind of services that may fall within subsection (2)(a).
- [^{F264}(3A) In relation to a recognised payment system that includes arrangements using digital settlement assets, subsection (2)(a) includes a person providing services connected with the system. See section 206AA.]
- (4) Before specifying persons under subsection (2)(b) [^{F265}or (2A)(b) or systems under subsection (2B)(b)], the Treasury must—
- (a) consult the Bank of England [^{F266}, the Payment Systems Regulator][^{F267}, the FCA and the PRA],
 - (b) notify the operator of the system [^{F268}or DSA service provider] and the persons whom the Treasury proposes to specify, and
 - (c) consider any representations made.
- (5) The Treasury may not specify the Bank of England under subsection (2)(b) [^{F269}, (2A)(b) or (2B)(b)].
- (6) Before making an order under subsection (1), the Treasury must consult—
- (a) the Bank of England,
 - [^{F270}(b) the FCA,
 - (ba) the PRA, and]
 - (c) such other persons as the Treasury consider appropriate.
- (7) An order under subsection (1)—
- (a) may modify any provision of this Part in its application to persons who are service providers in relation to a recognised ^{F271}... payment system;
 - (b) may (but need not) take the form of textual amendment.
- (8) An order under subsection (1)—
- (a) is to be made by statutory instrument, and
 - (b) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.

Textual Amendments

F257 S. 206A heading substituted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 37\(2\)](#)

F258 Words in s. 206A(1) omitted (29.8.2023) by virtue of [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 37\(3\)\(a\)](#)

F259 Words in s. 206A(1) renumbered as s. 206(1)(a) (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 37\(3\)\(b\)](#)

F260 Word in s. 206A(1) omitted (27.6.2017) by virtue of [Digital Economy Act 2017 \(c. 30\)](#), s. 118(2), [Sch. 9 para. 28](#)

F261 S. 206A(1)(b) and word inserted (29.8.2023) by [Financial Services and Markets Act 2023 \(c. 29\)](#), s. 86(2)(a), [Sch. 6 para. 37\(3\)\(c\)](#)

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- F262** Word in s. 206A(2) omitted (27.6.2017) by virtue of Digital Economy Act 2017 (c. 30), s. 118(2), **Sch. 9 para. 28**
- F263** S. 206A(2A)(2B) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2)(a), **Sch. 6 para. 37(4)**
- F264** S. 206A(3A) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2)(a), **Sch. 6 para. 37(5)**
- F265** Words in s. 206A(4) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2)(a), **Sch. 6 para. 37(6)**
- F266** Words in s. 206A(4)(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(28)**
- F267** Words in s. 206A(4)(a) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), **ss. 104(10)(a), 122(3)** (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F268** Words in s. 206A(4)(b) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2)(a), **Sch. 6 para. 37(7)**
- F269** Words in s. 206A(5) inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2)(a), **Sch. 6 para. 37(8)**
- F270** S. 206A(6)(b)(ba) substituted for s. 206A(6)(b) (1.4.2013) by Financial Services Act 2012 (c. 21), **ss. 104(10)(b), 122(3)** (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F271** Word in s. 206A(7)(a) omitted (27.6.2017) by virtue of Digital Economy Act 2017 (c. 30), s. 118(2), **Sch. 9 para. 28**

[^{F272}206AA Service providers connected with a recognised payment system that uses digital settlement assets

For the purposes of section 206A(3A), a person provides services connected with the system where—

- (a) the person creates or issues the digital settlement assets involved in the payment system,
- (b) the person provides services to safeguard, or to safeguard and administer, digital settlement assets including their private cryptographic keys (or means of access),
- (c) the person is directly involved in any of the activities mentioned in paragraphs (a) or (b),
- (d) the person is a digital settlement asset exchange provider,
- (e) the person sets rules, standards, or conditions of access or participation in relation to the payment system, or
- (f) the person provides any service that facilitates, or supports, a transfer of money or digital settlement assets to be made using the payment system, including any infrastructure provider in relation to the system.]

Textual Amendments

- F272** S. 206AA inserted (29.8.2023) by Financial Services and Markets Act 2023 (c. 29), s. 86(2)(a), **Sch. 6 para. 38**

[^{F273}206B International obligations

- (1) If it appears to the Treasury that any action proposed to be taken by the Bank of England in exercising its powers under this Part would be incompatible with [^{F274}any]

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international obligations of the United Kingdom, the Treasury may direct the Bank not to take that action.

- (2) If it appears to the Treasury that any action which the Bank of England has power under this Part to take is required for the purpose of implementing any such obligation, the Treasury may direct the Bank to take that action.
- (3) A direction under this section—
 - (a) may include such supplemental or incidental requirements as the Treasury consider necessary or expedient, and
 - (b) is enforceable on an application by the Treasury, by injunction or, in Scotland, by an order for specific performance under section 45 of the Court of Session Act 1988.]

Textual Amendments

F273 S. 206B inserted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), **ss. 105**, 122(3) (with [Sch. 20](#)); [S.I. 2013/423](#), art. 3, [Sch.](#)

F274 Word in [s. 206B\(1\)](#) substituted (31.12.2020) by [The Bank Recovery and Resolution and Miscellaneous Provisions \(Amendment\) \(EU Exit\) Regulations 2018 \(S.I. 2018/1394\)](#), reg. 1(2), **Sch. 1 para. 52**; [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)

Status:

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Changes to legislation:

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